

# Journal of the House

---

**Thursday, March 1, 2018**

At one o'clock in the afternoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by the Speaker.

## **Message from the Senate No. 30**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

**S. 70.** An act relating to the nutritional requirements for children's meals.

**S. 234.** An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony.

In the passage of which the concurrence of the House is requested.

## **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### **H. 906**

By the committee on General, Housing, and Military Affairs,

An act relating to professional licensing for service members and veterans;

Pursuant to House rule 48, bill placed on the Calendar for notice.

### **H. 907**

By the committee on General, Housing, and Military Affairs,

An act relating to improving rental housing safety;

Pursuant to House rule 48, bill placed on the Calendar for notice.

### **H. 908**

By the committee on Government Operations,

An act relating to the Administrative Procedure Act;

Pursuant to House rule 48, bill placed on the Calendar for notice.

**H. 909**

By the committee on Transportation,

An act relating to technical and clarifying changes in transportation-related laws;

Pursuant to House rule 48, bill placed on the Calendar for notice.

**H. 910**

By the committee on Government Operations,

An act relating to the Open Meeting Law and the Public Records Act;

Pursuant to House rule 48, bill placed on the Calendar for notice.

**H. 911**

By the committee on Ways and Means,

An act relating to changes in Vermont's personal income tax and education financing system;

Pursuant to House rule 48, bill placed on the Calendar for notice.

**Senate Bill Referred**

**S. 70**

Senate bill, entitled

An act relating to the nutritional requirements for children's meals

Was read and referred to the committee on Human Services.

**Senate Bill Referred**

**S. 234**

Senate bill, entitled

An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony

Was read and referred to the committee on Judiciary.

**Bill Referred to Committee on Ways and Means**

**H. 905**

House bill, entitled

An act relating to the Green Mountain Care Board's billback formula

---

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

**Bill Referred to Committee on Appropriations**

**H. 730**

House bill, entitled

An act relating to State response to waters in crisis

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Appropriations.

**Message from Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the first day of March, 2018, he signed bills originating in the House of the following titles:

**H. 552 An act relating to approval of the adoption and codification of the charter of the Town of Ferrisburgh**

**H. 568 An act relating to approval of amendments to the charter of the Town of Barre**

**H. 573 An act relating to approval of an amendment to the charter of the City of Rutland**

**Bill Amended; Read Third Time; Bill Passed**

**H. 614**

House bill, entitled

An act relating to the sale and use of fireworks

Was taken up and pending third reading of the bill, **Rep. Kimbell of Woodstock** moved to amend the bill as follows:

First: In Sec. 1, 20 V.S.A. § 3132, in subdivision (f)(1), by striking out “after 10:00 p.m.” and inserting in lieu thereof “between the hours of 10:00 p.m. and 7:00 a.m.”

Second: In Sec. 2, 4 V.S.A. § 1102, in subdivision (b)(28), by striking out “after 10:00 p.m.” and inserting in lieu thereof “between the hours of 10:00 p.m. and 7:00 a.m.”

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Third Reading; Bill Passed**

**H. 700**

House bill, entitled

An act relating to the Open Meeting Law and meeting minutes

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 727**

House bill, entitled

An act relating to the admissibility of a child's hearsay statements in a proceeding before the Human Services Board

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 731**

House bill, entitled

An act relating to the classification of employees

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 836**

House bill, entitled

An act relating to electronic court filings for relief from abuse orders

Was taken up, read the third time and passed.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 237**

**Rep. Brennan of Colchester** for the committee on Transportation, to which had been referred House bill entitled,

An act relating to saliva testing

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1200 is amended to read:

---

§ 1200. DEFINITIONS

As used in this subchapter:

\* \* \*

(3) “Evidentiary test” means a breath, saliva, or blood test which indicates the person’s alcohol concentration or the presence of other drug and which is intended to be introduced as evidence.

\* \* \*

(11) “Preliminary screening” means a breath or saliva test administered by a law enforcement officer for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test. The results of a preliminary screening shall not be introduced as evidence of impairment in any court proceeding.

Sec. 2. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is:

(A) 0.08 or more;<sup>2</sup> or

(B) 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(C) 0.04 or more if the person is operating a commercial vehicle as defined in subdivision 4103(4) of this title; or

(2) when the person is under the influence of alcohol; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; ~~or~~

~~(4) when the person’s alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.~~

(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer’s reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of

this section.

(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in the his or her system.

\* \* \*

Sec. 3. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath or saliva for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.

(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or under the combined influence of alcohol and a drug, the person is deemed to have given consent to the taking of an evidentiary sample of saliva. Any saliva test administered under this section shall be used only for the limited purpose of detecting the presence of a drug in the person's body, and shall not be used to extract DNA information.

(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

~~(4)~~(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.

(b) A refusal to take a breath or saliva test may be introduced as evidence in a criminal proceeding.

\* \* \*

(f) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in an accident or collision resulting in serious bodily injury or death to another refuses an evidentiary test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. If a blood sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary ~~breath~~ sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

(g) The Defender General shall provide statewide 24-hour coverage seven days a week to assure that adequate legal services are available to persons entitled to consult an attorney under this section.

Sec. 4. 23 V.S.A. § 1203 is amended to read:

§ 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND VIDEOTAPE

(a) A breath or saliva test shall be administered or taken only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath or saliva testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, or laboratory assistant acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or other drug. This limitation does not apply to the taking of a breath or saliva sample.

~~(c) When a breath test which is intended to be introduced in evidence is taken with a crimper device or when blood or saliva is withdrawn at an officer's request, a sufficient amount of breath saliva or blood, as the case may be, shall be taken to enable the person to have made an independent analysis of the sample, and shall be held for at least 45 days from the date the sample was taken. At any time during that period the person may direct that the sample be sent to an independent laboratory of the person's choosing for an independent analysis. The Department of Public Safety shall adopt rules providing for the security of the sample. At no time shall the defendant or any agent of the defendant have access to the sample. A preserved sample of breath shall not be required when an infrared breath-testing instrument is used. A person tested with an infrared breath-testing instrument shall have the option of having a second infrared test administered immediately after receiving the results of the first test.~~

~~(d) In the case of a breath, saliva, or blood test administered using an infrared breath testing instrument, the test shall be analyzed in compliance with rules adopted by the Department of Public Safety. The analyses shall be retained by the State. A sample is adequate if the infrared breath testing instrument analyzes the sample and does not indicate the sample is deficient. Analysis An analysis of the person's breath saliva or blood which is available to that person for independent analysis shall be considered valid when performed according to methods approved by the Department of Public Safety. The analysis performed by the State shall be considered valid when performed according to a method or methods selected by the Department of Public Safety. The Department of Public Safety shall use rule making procedures to select its method or methods. Failure of a person to provide an adequate breath or saliva sample constitutes a refusal.~~

(e) [Repealed.]

(f) When a law enforcement officer has reason to believe that a person may be violating or has violated section 1201 of this title, the officer may request the person to provide a sample of breath or saliva for a preliminary screening test using a device approved by the Commissioner of Public Safety for this purpose. The person shall not have the right to consult an attorney prior to submitting to this preliminary breath alcohol screening test. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test and shall not be used in any court proceeding except on those issues. Following the screening test additional tests may be required of the operator pursuant to the provisions of section 1202 of this title.

(g) The Office of the Chief Medical Examiner shall report in writing to the

Department of Motor Vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of such accident within five days of such death.

(h) A Vermont law enforcement officer shall have a right to request a breath, saliva or blood sample in an adjoining state or country under this section unless prohibited by the law of the other state or country. If the law in an adjoining state or country does not prohibit an officer acting under this section from taking a breath, saliva, or blood sample in its jurisdiction, evidence of such sample shall not be excluded in the courts of this State solely on the basis that the test was taken outside the State.

(i) The Commissioner of Public Safety shall adopt emergency rules relating to the operation, maintenance, and use of preliminary drug or alcohol screening devices for use by law enforcement officers in enforcing the provisions of this title. The ~~commissioner~~ Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any preliminary alcohol screening device authorized for use under this title shall be on the qualified products list of the National Highway Traffic Safety Administration.

\* \* \*

Sec. 5. 23 V.S.A. § 1203a(b) is amended to read:

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary breath or saliva test, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

Sec. 6. 23 V.S.A. § 1204 is amended to read:

#### § 1204. PERMISSIVE INFERENCES

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, attempting to operate, or in actual physical control of a vehicle on a highway, the person's alcohol concentration shall give rise to the following permissive inferences:

(1) If the person's alcohol concentration at that time was less than 0.08, such fact shall not give rise to any presumption or permissive inference that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person

was under the influence of alcohol.

(2) If the person's alcohol concentration at that time was 0.08 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(3) If the person's alcohol concentration at any time within two hours of the alleged offense was 0.10 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol or under the combined influence of alcohol and another drug, nor shall they be construed as requiring that evidence of the amount of alcohol or drug in the person's blood, breath, urine, or saliva must be presented.

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Thereupon, **Rep. Brennan of Colchester** asked and was granted leave to withdraw the report of the committee on Transportation.

**Rep. Willhoit of St. Johnsbury**, for the committee on Judiciary, reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. LEGISLATIVE INTENT; DRUG RECOGNITION EXPERTS

It is the intent of the General Assembly that the State have a sufficient number of drug recognition experts available to screen all drivers suspected of operating in violation of 23 V.S.A. § 1201. To this end, there are many categories of professionals associated with drug recognition that can be trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. It is the intent of the General Assembly that Vermont expand the type of professionals qualified to become drug recognition experts to include professions other than law enforcement.

Sec. 2. 23 V.S.A. § 1200 is amended to read:

#### § 1200. DEFINITIONS

As used in this subchapter:

\* \* \*

(3) "Evidentiary test" means a breath, saliva, or blood test which indicates the person's alcohol concentration or the presence of other drug and

which is intended to be introduced as evidence.

\* \* \*

(11) "Preliminary screening" means a breath or saliva test administered by a law enforcement officer for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test. The results of a preliminary screening shall not be introduced as evidence of impairment in any court proceeding. A preliminary saliva screening result detecting the presence of a drug shall not, by itself, constitute grounds for probable cause for an arrest.

Sec. 3. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is:

(A) 0.08 or more; or

(B) 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(C) 0.04 or more if the person is operating a commercial vehicle as defined in subdivision 4103(4) of this title; or

(2) when the person is under the influence of alcohol; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; ~~or~~

~~(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.~~

(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section.

(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law

---

enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in the his or her system.

\* \* \*

Sec. 4. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath or saliva for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.

(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or under the combined influence of alcohol and a drug, the person is deemed to have given consent to the taking of an evidentiary sample of saliva. Any saliva test administered under this section shall be used only for the limited purpose of detecting the presence of a drug in the person's body, and shall not be used to extract DNA information.

(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

~~(4)~~(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or

other drug in his or her system.

(b) A refusal to take a breath or saliva test may be introduced as evidence in a criminal proceeding.

\* \* \*

(f) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in an accident or collision resulting in serious bodily injury or death to another refuses an evidentiary test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. If a blood sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary ~~breath~~ sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

(g) The Defender General shall provide statewide 24-hour coverage seven days a week to assure that adequate legal services are available to persons entitled to consult an attorney under this section.

Sec. 5. 23 V.S.A. § 1203 is amended to read:

§ 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND VIDEOTAPE

(a) A breath or saliva test shall be administered or taken only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath or saliva testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, or laboratory assistant acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or other drug. This limitation does not apply to the taking of a breath or saliva sample.

(c) ~~When a breath test which is intended to be introduced in evidence is taken with a crimper device or when~~ blood or saliva is withdrawn at an officer's request, a sufficient amount of breath saliva or blood, as the case may be, shall be taken to enable the person to have made an independent analysis of

the sample, and shall be held for at least 45 days from the date the sample was taken. At any time during that period the person may direct that the sample be sent to an independent laboratory of the person's choosing for an independent analysis. The Department of Public Safety shall adopt rules providing for the security of the sample. At no time shall the defendant or any agent of the defendant have access to the sample. A preserved sample of breath shall not be required when an infrared breath-testing instrument is used. A person tested with an infrared breath-testing instrument shall have the option of having a second infrared test administered immediately after receiving the results of the first test.

(d) In the case of a breath, saliva, or blood test ~~administered using an infrared breath testing instrument~~, the test shall be analyzed in compliance with rules adopted by the Department of Public Safety. The analyses shall be retained by the State. A sample is adequate if the infrared breath testing instrument analyzes the sample and does not indicate the sample is deficient. Analysis An analysis of the person's breath saliva or blood which is available to that person for independent analysis shall be considered valid when performed according to methods approved by the Department of Public Safety. The analysis performed by the State shall be considered valid when performed according to a method or methods selected by the Department of Public Safety. The Department of Public Safety shall use rule making procedures to select its method or methods. Failure of a person to provide an adequate breath or saliva sample constitutes a refusal.

(e) [Repealed.]

(f) When a law enforcement officer has reason to believe that a person may be violating or has violated section 1201 of this title, the officer may request the person to provide a sample of breath or saliva for a preliminary screening test using a device approved by the Commissioner of Public Safety for this purpose. The person shall not have the right to consult an attorney prior to submitting to this preliminary ~~breath alcohol~~ screening test. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test and shall not be used in any court proceeding except on those issues. Following the screening test additional tests may be required of the operator pursuant to the provisions of section 1202 of this title.

(g) The Office of the Chief Medical Examiner shall report in writing to the Department of Motor Vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of such accident within five days of such death.

(h) A Vermont law enforcement officer shall have a right to request a

breath, saliva or blood sample in an adjoining state or country under this section unless prohibited by the law of the other state or country. If the law in an adjoining state or country does not prohibit an officer acting under this section from taking a breath, saliva, or blood sample in its jurisdiction, evidence of such sample shall not be excluded in the courts of this State solely on the basis that the test was taken outside the State.

(i)(1) The Commissioner of Public Safety shall adopt emergency rules relating to the operation, maintenance, and use of preliminary alcohol screening devices for use by law enforcement officers in enforcing the provisions of this title. The ~~commissioner~~ Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any preliminary alcohol screening device authorized for use under this title shall be on the qualified products list of the National Highway Traffic Safety Administration.

(2) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 relating to the operation, maintenance, and use of saliva testing devices for use by law enforcement officers in enforcing the provisions of this title, and the training required for officers to use such devices. The Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any saliva testing device authorized for use under this title shall be determined by at least two peer reviewed studies to be a reliably accurate method of detecting the presence of drug metabolites in the body.

\* \* \*

Sec. 6. 23 V.S.A. § 1203a(b) is amended to read:

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary breath or saliva test, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

Sec. 7. 23 V.S.A. § 1204 is amended to read:

#### § 1204. PERMISSIVE INFERENCES

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, attempting to operate, or in actual physical control of a vehicle on a highway, the person's alcohol concentration shall give rise to the following permissive inferences:

(1) If the person's alcohol concentration at that time was less than 0.08, such fact shall not give rise to any presumption or permissive inference that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

(2) If the person's alcohol concentration at that time was 0.08 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(3) If the person's alcohol concentration at any time within two hours of the alleged offense was 0.10 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol or under the combined influence of alcohol and another drug, nor shall they be construed as requiring that evidence of the amount of alcohol or drug in the person's blood, breath, urine, or saliva must be presented.

#### Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary? **Rep. Brennan of Colchester** moved to amend the bill as follows:

By striking out Sec. 1 (Legislative intent; drug recognition experts) in its entirety and inserting in lieu thereof the following:

#### Sec. 1. LEGISLATIVE INTENT; DRUG RECOGNITION EXPERTS

It is the intent of the General Assembly that the State have a sufficient number of drug recognition experts available to screen all drivers suspected of operating in violation of 23 V.S.A. § 1201.

Which was agreed to.

Thereupon, the recommendation of the committee on Judiciary, as amended, was agreed to and third reading was ordered.

---

**Second Reading; Consideration Interrupted****H. 675**

**Rep. Grad of Moretown**, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to conditions of release prior to trial

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7554(a)(2)(G) is added to read:

(G) Require a defendant not to possess firearms or other weapons.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

**Recess**

At three o'clock and twenty-eight minutes in afternoon the Speaker recessed until the fall of the gavel.

At five o'clock and thirty-seven minutes in the evening the House was called to order.

**Consideration Resumed; Consideration Interrupted****H. 675**

Consideration resumed on House bill, entitled

An act relating to conditions of release prior to trial

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary? **Rep. Lalonde of South Burlington** moved to amend the report of the committee on Judiciary as follows:

By inserting, after Sec. 1, three new sections to be Secs. 1a., 1b., and 1c. to read as follows:

Sec. 1a. 13 V.S.A. chapter 85 is amended to read:

**CHAPTER 85. WEAPONS****Subchapter 1. Generally**

\* \* \*

**Subchapter 2. Extreme Risk Protection Orders**

---

§ 4051. DEFINITIONS

As used in this subchapter:

(1) “Court” means the Family Division of the Superior Court.

(2) “Dangerous weapon” means an explosive or a firearm.

(3) “Explosive” means dynamite, or any explosive compound of which nitroglycerin forms a part, or fulminate in bulk or dry condition, or blasting caps, or detonating fuses, or blasting powder or any other similar explosive. The term does not include a firearm or ammunition therefor or any components of ammunition for a firearm, including primers, smokeless powder, or black gunpowder.

(4) “Federally licensed firearms dealer” means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).

(5) “Firearm” shall have the same meaning as in subsection 4017(d) of this title.

(6) “Law enforcement agency” means the Vermont State Police, a municipal police department, or a sheriff’s department.

§ 4052. JURISDICTION AND VENUE

(a) The Family Division of the Superior Court shall have jurisdiction over proceedings under this subchapter.

(b) Emergency orders under section 4054 of this title may be issued by a judge of the Criminal, Civil, or Family Division of the Superior Court.

(c) Proceedings under this chapter shall be commenced in the county where the law enforcement agency is located, the county where the respondent resides, or the county where the events giving rise to the petition occur.

§ 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State’s Attorney or the Office of the Attorney General may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person’s custody or control. The petitioner shall submit an affidavit in support of the petition.

(b) Except as provided in section 4054 of this title, the court shall grant relief only after notice to the respondent and a hearing. The petitioner shall have the burden of proof by a preponderance of the evidence.

(c)(1) A petition filed pursuant to this section shall allege that the respondent poses an extreme risk of causing harm to himself or herself or

another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

(2)(A) An extreme risk of harm to others may be shown by establishing that:

(i) the respondent has inflicted or attempted to inflict bodily harm on another; or

(ii) by his or her threats or actions the respondent has placed others in reasonable fear of physical harm to themselves; or

(iii) by his or her actions or inactions the respondent has presented a danger to persons in his or her care.

(B) An extreme risk of harm to himself or herself may be shown by establishing that the respondent has threatened or attempted suicide or serious bodily harm.

(3) The affidavit in support of the petition shall state:

(A) the specific facts supporting the allegations in the petition;

(B) any dangerous weapons the petitioner believes to be in the respondent's possession, custody, or control; and

(C) whether the petitioner knows of an existing order with respect to the respondent under 15 V.S.A. chapter 21 (abuse prevention orders) or 12 V.S.A. chapter 178 (orders against stalking or sexual assault).

(d) The court shall hold a hearing within 14 days after a petition is filed under this section. Notice of the hearing shall be served pursuant to section 4056 of this title concurrently with the petition and any ex parte order issued under section 4054 of this title.

(e)(1) The court shall grant the petition and issue an extreme risk protection order if it finds by a preponderance of the evidence that the respondent poses an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

(2) An order issued under this subsection shall prohibit a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control for a period of up to one year. The order shall be signed by the judge and include the following provisions:

(A) A statement of the grounds for issuance of the order.

(B) The name and address of the court where any filings should be

made, the names of the parties, the date of the petition, the date and time of the order, and the date and time the order expires.

(C) A description of how to appeal the order.

(D) A description of the requirements for relinquishment of dangerous weapons under section 4059 of this title.

(E) A description of how to request termination of the order under section 4055 of this title. The court shall include with the order a form for a motion to terminate the order.

(F) A statement directing the law enforcement agency, approved federally licensed firearms dealer, or other person in possession of the firearm to release it to the owner upon expiration of the order.

(G) A statement in substantially the following form:

“To the subject of this protection order: This order shall be in effect until the date and time stated above. If you have not done so already, you are required to surrender all dangerous weapons in your custody, control, or possession to [insert name of law enforcement agency], a federally licensed firearms dealer, or a person approved by the court. While this order is in effect, you are not allowed to purchase, possess, or receive a dangerous weapon; attempt to purchase, possess, or receive a dangerous weapon; or have a dangerous weapon in your custody or control. You have the right to request one hearing to terminate this order during the period that this order is in effect, starting from the date of this order. You may seek the advice of an attorney regarding any matter connected with this order.”

(f) If the court denies a petition filed under this section, the court shall state the particular reasons for the denial in its decision.

(g) No filing fee shall be required for a petition filed under this section.

(h) Form petitions and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(i) When findings are required under this section, the court shall make either written findings of fact or oral findings of fact on the record.

(j) Every final order issued under this section shall bear the following language: “VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 4058, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.”

(k) Affidavit forms required pursuant to this section shall bear the following language: “MAKING A FALSE STATEMENT IN THIS

AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 4058.”

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State’s Attorney or the Office of the Attorney General may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

(2) The petitioner shall submit an affidavit in support of the motion alleging that the respondent poses an imminent and extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent’s custody or control. The affidavit shall state:

(A) the specific facts supporting the allegations in the motion, including the imminent danger posed by the respondent; and

(B) any dangerous weapons the petitioner believes to be in the respondent’s possession, custody, or control.

(b)(1) The court shall grant the motion and issue a temporary ex parte extreme risk protection order if it finds by a preponderance of the evidence that at the time the order is requested the respondent poses an imminent and extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent’s custody or control. The petitioner shall cause a copy of the order to be served on the respondent pursuant to section 4056 of this title, and the court shall deliver a copy to the holding station.

(2)(A) An extreme risk of harm to others may be shown by establishing that:

(i) the respondent has inflicted or attempted to inflict bodily harm on another; or

(ii) by his or her threats or actions the respondent has placed others in reasonable fear of physical harm to themselves; or

(iii) by his or her actions or inactions the respondent has presented a danger to persons in his or her care.

(B) An extreme risk of harm to himself or herself may be shown by establishing that the respondent has threatened or attempted suicide or serious

bodily harm.

(c)(1) Unless the petition is voluntarily dismissed pursuant to subdivision (2) of this subsection, the court shall hold a hearing within 14 days after the issuance of a temporary ex parte extreme risk protection order to determine if a final extreme risk protection order should be issued. If not voluntarily dismissed, the temporary ex parte extreme risk protection order shall expire when the court grants or denies a motion for an extreme risk protection order under section 4053 of this title.

(2) The prosecutor may voluntarily dismiss a motion filed under this section at any time prior to the hearing if the prosecutor determines that the respondent no longer poses an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control. If the prosecutor voluntarily dismisses the motion pursuant to this subdivision, the court shall vacate the temporary ex parte extreme risk protection order and direct the person in possession of the dangerous weapon to return it to the respondent consistent with section 4059 of this title.

(d)(1) An order issued under this section shall prohibit a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control for a period of up to 14 days. The order shall be in writing and signed by the judge and shall include the following provisions:

(A) A statement of the grounds for issuance of the order.

(B) The name and address of the court where any filings should be made, the names of the parties, the date of the petition, the date and time of the order, and the date and time the order expires.

(C) The date and time of the hearing when the respondent may appear to contest the order before the court. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days after the date of issuance of the order.

(D) A description of the requirements for relinquishment of dangerous weapons under section 4059 of this title.

(E) A statement in substantially the following form:

"To the subject of this protection order: This order shall be in effect until the date and time stated above. If you have not done so already, you are required to surrender all dangerous weapons in your custody, control, or possession to [insert name of law enforcement agency], a federally licensed firearms dealer, or a person approved by the court. While this order is in

effect, you are not allowed to purchase, possess, or receive a dangerous weapon; attempt to purchase, possess, or receive a dangerous weapon; or have a dangerous weapon in your custody or control. A hearing will be held on the date and time noted above to determine if a final extreme risk prevention order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for up to 60 days. You may seek the advice of an attorney regarding any matter connected with this order.”

(2)(A) The court may issue an ex parte extreme risk protection order by telephone or by reliable electronic means pursuant to this subdivision if requested by the petitioner.

(B) Upon receipt of a request for electronic issuance of an ex parte extreme risk protection order, the judicial officer shall inform the petitioner that a signed or unsigned motion and affidavit may be submitted electronically. The affidavit shall be sworn to or affirmed by administration of the oath over the telephone to the petitioner by the judicial officer. The administration of the oath need not be made part of the affidavit or recorded, but the judicial officer shall note on the affidavit that the oath was administered.

(C) The judicial officer shall decide whether to grant or deny the motion and issue the order solely on the basis of the contents of the motion and the affidavit or affidavits provided. If the motion is granted, the judicial officer shall immediately sign the original order, enter on its face the exact date and time it is issued, and transmit a copy to the petitioner by reliable electronic means. The petitioner shall cause a copy of the order to be served on the respondent pursuant to section 4056 of this title.

(D) On or before the next business day after the order is issued:

(i) the petitioner shall file the original motion and affidavit with the court; and

(ii) the judicial officer shall file the signed order, the motion, and the affidavit with the clerk. The clerk shall enter the documents on the docket immediately after filing.

(e) Form motions and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(f) Every order issued under this section shall bear the following language: “VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 4058, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.”

(g) Affidavit forms required pursuant to this section shall bear the

---

following language: “MAKING A FALSE STATEMENT IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 4058.”

(h) If the court denies a petition filed under this section, the court shall state the particular reasons for the denial in its decision.

§ 4055. TERMINATION AND RENEWAL MOTIONS

(a)(1) The respondent may file a motion to terminate an extreme risk protection order issued under section 4053 of this title or an order renewed under subsection (b) of this section. A motion to terminate shall not be filed more than once during the effective period of the order. The State shall have the burden of proof by a preponderance of the evidence.

(2) The court shall grant the motion and terminate the extreme risk protection order unless it finds by a preponderance of the evidence that the respondent continues to pose an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent’s custody or control.

(b)(1) A State’s Attorney or the Office of the Attorney General may file a motion requesting that the court renew an extreme risk protection order issued under this section or section 4053 of this title for an additional period of up to one year. The motion shall be accompanied by an affidavit and shall be filed not more than 30 days and not less than 14 days before the expiration date of the order. The motion and affidavit shall comply with the requirements of subsection 4053(c) of this title, and the moving party shall have the burden of proof by a preponderance of the evidence.

(2) The court shall grant the motion and renew the extreme risk protection order for an additional period of up to one year if it finds by a preponderance of the evidence that the respondent continues to pose an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent’s custody or control. The order shall comply with the requirements of subdivision 4053(f)(2) and subsections 4053(j) and (k) of this title.

(c) The court shall hold a hearing within 14 days after a motion to terminate or a motion to renew is filed under this section. Notice of the hearing shall be served pursuant to section 4056 of this title concurrently with the motion.

(d) If the court denies a motion filed under this section, the court shall state the particular reasons for the denial in its decision.

(e) Form termination and form renewal motions shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(f) When findings are required under this section, the court shall make either written findings of fact or oral findings of fact on the record.

#### § 4056. SERVICE

(a) A petition, ex parte temporary order, or final order issued under this subchapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service, and shall deliver a copy to the holding station.

(b) A respondent who attends a hearing held under section 4053, 4054, or 4055 of this title at which a temporary or final order under this subchapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A respondent notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the respondent of the order, the court shall transmit the order for additional service by a law enforcement agency.

(c) Extreme risk protection orders shall be served by the law enforcement agency at the earliest possible time and shall take precedence over other summonses and orders. Orders shall be served in a manner calculated to ensure the safety of the parties. Methods of service that include advance notification to the respondent shall not be used. The person making service shall file a return of service with the court stating the date, time, and place at which the order was delivered personally to the respondent.

(d) If service of a notice of hearing issued under section 4053 or 4055 of this title cannot be made before the scheduled hearing, the court shall continue the hearing and extend the terms of the order upon request of the petitioner for such additional time as it deems necessary to achieve service on the respondent.

#### § 4057. PROCEDURE

(a) Except as otherwise specified, proceedings commenced under this subchapter shall be in accordance with the Vermont Rules for Family Proceedings and shall be in addition to any other available civil or criminal remedies.

(b) The Court Administrator shall establish procedures to ensure access to relief after regular court hours or on weekends and holidays. The Court

Administrator is authorized to contract with public or private agencies to assist petitioners to seek relief and to gain access to Superior Courts. Law enforcement agencies shall assist in carrying out the intent of this section.

(c) The Court Administrator shall ensure that the Superior Court has procedures in place so that the contents of orders and pendency of other proceedings can be known to all courts for cases in which an extreme risk protection order proceeding is related to a criminal proceeding.

#### § 4058. ENFORCEMENT; CRIMINAL PENALTIES

(a) Law enforcement officers are authorized to enforce orders issued under this chapter. Enforcement may include collecting and disposing of dangerous weapons pursuant to section 4059 of this title and making an arrest in accordance with the provisions of Rule 3 of the Vermont Rules of Criminal Procedure.

(b)(1) A person who intentionally commits an act prohibited by a court or fails to perform an act ordered by a court, in violation of an extreme risk protection order issued pursuant to section 4053, 4054, or 4055 of this title, after the person has been served with notice of the contents of the order as provided for in this subchapter, shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(2) A person who files a petition for an extreme risk protection order under this subchapter knowing that information in the petition is false or with the intent to harass the respondent shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) In addition to the provisions of subsections (a) and (b) of this section, violation of an order issued under this subchapter may be prosecuted as criminal contempt under Rule 42 of Vermont Rules of Criminal Procedure. The prosecution for criminal contempt may be initiated by the State's Attorney in the county in which the violation occurred. The maximum penalty that may be imposed under this subsection shall be a fine of \$1,000.00 or imprisonment for six months, or both. A sentence of imprisonment upon conviction for criminal contempt may be stayed, in the discretion of the court, pending the expiration of the time allowed for filing notice of appeal or pending appeal if any appeal is taken.

#### § 4059. RELINQUISHMENT, STORAGE, AND RETURN OF DANGEROUS WEAPONS

(a) A person who is required to relinquish a dangerous weapon other than a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall

upon service of the order immediately relinquish the dangerous weapon to a cooperating law enforcement agency. The law enforcement agency shall transfer the weapon to the Bureau of Alcohol, Tobacco, Firearms and Explosives for proper disposition.

(b)(1) A person who is required to relinquish a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall, unless the court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon service of the order immediately relinquish the firearm to a cooperating law enforcement agency or an approved federally licensed firearms dealer.

(2)(A) The court may order that the person relinquish a firearm to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the court finds that relinquishment to the other person will not adequately protect the safety of any person.

(B) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall execute an affidavit on a form approved by the Court Administrator stating that the person:

(i) acknowledges receipt of the firearm;

(ii) assumes responsibility for storage of the firearm until further order of the court and specifies the manner in which he or she will provide secure storage;

(iii) is not prohibited from owning or possessing firearms under State or federal law; and

(iv) understands the obligations and requirements of the court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (C) of this subdivision (2) if the person permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.

(C) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearm or any other person not authorized by law to possess the relinquished item obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (b)(1) of this section.

(b) A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to 20 V.S.A. § 2307(i)(3).

(c) Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items.

(d) An extreme risk protection order issued pursuant to section 4053 of this title or renewed pursuant to section 4055 of this title shall direct the law enforcement agency, approved federally licensed firearms dealer, or other person in possession of a firearm under subsection (b) of this section to release it to the owner upon expiration of the order.

(e)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person who takes possession of a firearm for storage purposes pursuant to this section shall not release it to the owner without a court order unless the firearm is to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of a firearm stored under this section, the law enforcement agency or firearms dealer in possession of the firearm shall make it available to the owner within three business days after receipt of the order and in a manner consistent with federal law.

(2)(A)(i) If the owner fails to retrieve the firearm within 90 days after the court order releasing it, the firearm may be sold for fair market value. Title to the firearm shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the court issues a final extreme risk protection order pursuant to section 4053 of this title.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall mean notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.

(B) Proceeds from the sale of a firearm pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:

(i) associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and

(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this

subdivision (2)(B) shall be paid to the original owner.

(f) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of a firearm stored or transported pursuant to this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(g) This section shall be implemented consistent with the standards and guidelines established by the Department of Public Safety under 20 V.S.A. § 2307(i).

(h) Notwithstanding any other provision of this chapter:

(1) A dangerous weapon shall not be returned to the respondent if the respondent's possession of the weapon would be prohibited by state or federal law.

(2) A dangerous weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.

#### § 4060. APPEALS

An extreme risk protection order issued by the court under section 4053 or 4055 of this title shall be treated as a final order for the purposes of appeal. Appeal may be taken by either party to the Supreme Court under the Vermont Rules of Appellate Procedure, and the appeal shall be determined forthwith.

#### § 4061. EFFECT ON OTHER LAWS

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

#### Sec. 1b. FINDINGS

The General Assembly finds:

(1) The State of Vermont has a compelling interest in preventing domestic abuse.

(2) Domestic violence is often volatile, escalates rapidly, and is possibly fatal. The victim has a substantial interest in obtaining immediate relief because any delay may result in further injury or death. The State's compelling interest in protecting domestic violence victims from actual or threatened harm and safeguarding children from the effects of exposure to domestic violence justifies providing law enforcement officers with the authority to undertake immediate measures to stop the violence. For these reasons the State has a special need to remove firearms from a home where

law enforcement has probable cause to believe domestic violence has occurred.

(3) The General Assembly recognizes that it is current practice for law enforcement to remove firearms from a domestic violence scene if the firearms are contraband or evidence of the offense. However, given the potential harm of delay during a domestic violence incident, this legislation authorizes law enforcement officers to temporarily remove other dangerous firearms from persons arrested or cited for domestic violence, while protecting rights guaranteed by the Vermont and U.S. Constitutions, and insuring that those firearms are returned to the owner as soon as doing so would be safe and lawful.

Sec. 1c. 13 V.S.A. § 1048 is added to read:

§ 1048. REMOVAL OF FIREARMS

(a)(1) When a law enforcement officer arrests, cites, or obtains an arrest warrant for a person for domestic assault in violation of this subchapter, the officer may remove any firearm obtained pursuant to a search warrant or a judicially recognized exception to the warrant requirement if the removal is necessary for the protection of the officer or any other person.

(2) As used in this section, “judicially recognized exception to the warrant requirement” includes a search incident to a lawful arrest, a search with consent, a search under exigent circumstances, a search of objects in plain view, and a search pursuant to a regulatory statute.

(b) A person cited for domestic assault shall be arraigned on the next business day after the citation is issued except for good cause shown.

(c)(1) At arraignment, the court shall issue a written order releasing any firearms removed pursuant to subsection (a) of this section unless:

(A) the firearm is being or may be used as evidence in a pending criminal or civil proceeding;

(B) a court orders relinquishment of the firearm pursuant to 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8), in which case the weapon shall be stored pursuant to 20 V.S.A. § 2307;

(C) the person requesting the return is prohibited by law from possessing a firearm; or

(D) the court imposes a condition requiring the defendant not to possess a firearm.

(2) If the court under subdivision (1) of this subsection orders the release of a firearm removed under subsection (a) of this section, the law

enforcement agency in possession of the firearm shall make it available to the owner within three business days after receipt of the written order and in a manner consistent with federal law.

(d)(1) A law enforcement officer shall not be subject to civil or criminal liability for acts or omissions made in reliance on the provisions of this section. This section shall not be construed to create a legal duty to a victim or to any other person, and no action may be filed based upon a claim that a law enforcement officer removed or did not remove a firearm as authorized by this section.

(2) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms removed, stored, or transported pursuant to this section. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(3) This section shall not be construed to limit the authority of a law enforcement agency to take any necessary and appropriate action, including disciplinary action, regarding an officer's performance in connection with this section.

Thereupon, **Rep. Deen of Westminster** asked that the question be divided and that Sec 1a be taken first and Secs 1b and 1c be taken second.

Pending the question, Shall the report of the Committee on Judiciary be amended as offered by Rep. LaLonde of South Burlington in the first instance only (Section 1a)? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

### **Recess**

At six o'clock and thirty-five minutes in the evening the Speaker called a recess until fall of the gavel.

At six o'clock and fifty-nine minutes in the evening the House was called to order.

### **Consideration Resumed; Bill Amended; Third Reading Ordered**

#### **H. 675**

Consideration resumed on House bill, entitled

An act relating to conditions of release prior to trial

Thereupon, the Clerk proceeded to call the roll and the question, Shall the report of the Committee on Judiciary be amended as offered by Rep. LaLonde of South Burlington in the first instance only (Section 1a)? was decided in the

affirmative. Yeas, 93. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Pajala of Londonderry
Bartholomew of Hartland	Giambatista of Essex	Parent of St. Albans Town
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Bissonnette of Winooski	Grad of Moretown	Pugh of South Burlington
Bock of Chester	Haas of Rochester	Rachelson of Burlington
Botzow of Pownal	Harrison of Chittenden	Read of Fayston
Briglin of Thetford	Hill of Wolcott	Scheu of Middlebury
Browning of Arlington	Hooper of Montpelier	Scheuermann of Stowe
Brumsted of Shelburne	Hooper of Randolph	Sharpe of Bristol
Burke of Brattleboro	Houghton of Essex	Sheldon of Middlebury
Carr of Brandon	Jessup of Middlesex	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Squirrell of Underhill
Christensen of Weathersfield	Joseph of North Hero	Stevens of Waterbury
Christie of Hartford	Keefe of Manchester	Stuart of Brattleboro *
Cina of Burlington	Kimbell of Woodstock	Sullivan of Dorset
Colburn of Burlington	Kitzmiller of Montpelier	Sullivan of Burlington
Conlon of Cornwall	Krowinski of Burlington *	Taylor of Colchester
Connor of Fairfield	Lalonde of South Burlington	Till of Jericho
Conquest of Newbury	Lanpher of Vergennes	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Toll of Danville
Corcoran of Bennington	Long of Newfane	Townsend of South Burlington
Dakin of Colchester	Lucke of Hartford	Trieber of Rockingham
Deen of Westminster *	Macaig of Williston	Troiano of Stannard
Donovan of Burlington	Masland of Thetford	Walz of Barre City
Dunn of Essex	McCormack of Burlington	Webb of Shelburne
Emmons of Springfield	McCullough of Williston	Weed of Enosburgh
Fagan of Rutland City	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Mrowicki of Putney	Wright of Burlington
Forguites of Springfield	Murphy of Fairfax	Yacovone of Morristown
Gannon of Wilmington	Noyes of Wolcott	Yantachka of Charlotte
	Ode of Burlington	Young of Glover
	O'Sullivan of Burlington	

Those who voted in the negative are:

Bancroft of Westford	Helm of Fair Haven	Pearce of Richford
Baser of Bristol	Higley of Lowell	Poirier of Barre City
Beck of St. Johnsbury	Juskiewicz of Cambridge	Potter of Clarendon
Beyor of Highgate	LaClair of Barre Town	Quimby of Concord
Brennan of Colchester	Lawrence of Lyndon	Rosenquist of Georgia
Canfield of Fair Haven	Lefebvre of Newark	Savage of Swanton
Cupoli of Rutland City	Lewis of Berlin *	Shaw of Pittsford
Devereux of Mount Holly	Marcotte of Coventry	Smith of Derby
Dickinson of St. Albans Town	Martel of Waterford	Smith of New Haven
Donahue of Northfield *	Mattos of Milton	Strong of Albany
Feltus of Lyndon	McCoy of Poultney	Terenzini of Rutland Town
Frenier of Chelsea	McFaun of Barre Town *	Turner of Milton
	Morrissey of Bennington	Van Wyck of Ferrisburgh

---

Gage of Rutland City  
Gamache of Swanton  
Hebert of Vernon

Myers of Essex  
Nolan of Morristown  
Norris of Shoreham

Viens of Newport City  
Willhoit of St. Johnsbury

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton  
Batchelor of Derby  
Buckholz of Hartford  
Burditt of West Rutland

Condon of Colchester  
Graham of Williamstown  
Head of South Burlington  
Howard of Rutland City

Keenan of St. Albans City  
Miller of Shaftsbury

**Rep. Deen of Westminster** explained his vote as follows:

“Madam Speaker:

This is a good amendment. It came through our House process. We are not in business to please the Senate. We are here to do our job.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

I believe that I can say with some certainty that every person in this chamber is deeply concerned about the use of weapons by those who intend to do great harm. We also know there are difficult issues whenever we are balancing individual rights and the common good. I deeply regret that decisions and actions tonight prevented us from a unified voice on one specific action that could have moved to a rapid resolution. Other measures could still have been, and others, still will be debated separately. But we refused to stand together in the one arena that could have brought both bodies in this building together, tonight.”

**Rep Krowinski of Burlington** explained her vote as follows:

“Madam Speaker:

I voted yes because support for the second amendment goes hand in hand with keeping the guns out of the hands of dangerous people. I’m voting for what my constituents asked me to vote for.”

**Rep. Lewis of Berlin** explained her vote as follows:

“Madam Speaker:

It is so unfortunate that this amendment falls under a political tit for tat. We were offered a bill and a reasonable amendment by the member from Northfield. An amendment that exactly replicates S. 221 as passed by the Senate unanimously 30-0. And now it seems for pure political motives, a substitute amendment was accepted. No wonder residents of this state are fed up with politicians. Our families are looking to us to make common sense

laws and not play ping pong. This is a disgrace.”

**Rep. McFaun of Barre Town** explained his vote as follows”

“Madam Speaker:

I voted no on H. 675 because at this last minute H. 675 was amended to change a bill this House Judiciary committee had voted in favor 10-0-1, that could have been amended by a Senate bill S. 221 that passed the Senate 30 to 0 which together would have been a common sense gun bill and I would have supported. And maybe we all could have supported. I believe this is a perfect example of this political maneuvering that takes place in Washington that produces absolutely nothing. I believe we are going to get the same result when this bill goes to the Senate, absolutely nothing. I refuse to be part of this maneuvering that produces nothing that makes Vermont a safer place to live.

**Rep. Stuart of Brattleboro** explained her vote as follows”

“Madam Speaker:

I am very proud to have voted for this bill and this amendment. May we lead and may the Senate follow.”

Pending the question, Shall the report of the Committee on Judiciary be amended as offered by Rep. LaLonde of South Burlington in the second instance only (Sections 1b and 1c)? **Rep. Viens of Newport City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Judiciary be amended as offered by Rep. LaLonde of South Burlington in the second instance only (Sections 1b and 1c)? was decided in the affirmative. Yeas, 112. Nays, 28.

Those who voted in the affirmative are:

Ancel of Calais	Giambatista of Essex	Pajala of Londonderry
Bancroft of Westford	Gonzalez of Winooski	Parent of St. Albans Town
Bartholomew of Hartland	Grad of Moretown	Partridge of Windham
Baser of Bristol	Haas of Rochester	Poirier of Barre City
Beck of St. Johnsbury	Harrison of Chittenden	Pugh of South Burlington
Belaski of Windsor	Hill of Wolcott	Rachelson of Burlington
Bissonnette of Winooski	Hooper of Montpelier	Read of Fayston
Bock of Chester	Hooper of Randolph	Scheu of Middlebury
Botzow of Pownal	Houghton of Essex	Scheuermann of Stowe
Briglin of Thetford	Jessup of Middlesex	Sharpe of Bristol
Browning of Arlington	Jickling of Randolph	Shaw of Pittsford
Brumsted of Shelburne	Joseph of North Hero	Sheldon of Middlebury
Burke of Brattleboro	Juskiewicz of Cambridge	Sibilia of Dover
Carr of Brandon	Keefe of Manchester	Smith of New Haven
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Squirrell of Underhill
	Kitzmiller of Montpelier	Stevens of Waterbury

Christensen of Weathersfield	Krowinski of Burlington	Strong of Albany
Christie of Hartford	Lalonde of South Burlington	Stuart of Brattleboro
Cina of Burlington	Lanpher of Vergennes	Sullivan of Dorset
Colburn of Burlington	Lippert of Hinesburg	Sullivan of Burlington
Conlon of Cornwall	Long of Newfane	Till of Jericho *
Connor of Fairfield	Lucke of Hartford	Toleno of Brattleboro
Conquest of Newbury	Macaig of Williston	Toll of Danville
Copeland-Hanzas of Bradford	Marcotte of Coventry	Townsend of South Burlington
Corcoran of Bennington	Martel of Waterford	Trieber of Rockingham
Dakin of Colchester	Masland of Thetford	Troiano of Stannard
Deen of Westminster	Mattos of Milton	Turner of Milton
Dickinson of St. Albans Town	McCormack of Burlington	Viens of Newport City
Donahue of Northfield	McCoy of Poultney	Walz of Barre City
Donovan of Burlington	McCullough of Williston	Webb of Shelburne
Dunn of Essex	McFaun of Barre Town	Weed of Enosburgh
Emmons of Springfield	Miller of Shaftsbury	Willhoit of St. Johnsbury
Fagan of Rutland City	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Mrowicki of Putney	Wright of Burlington
Forguites of Springfield	Murphy of Fairfax	Yacovone of Morristown
Gannon of Wilmington	Myers of Essex	Yantachka of Charlotte
Gardner of Richmond	Nolan of Morristown	Young of Glover
	Ode of Burlington	
	O'Sullivan of Burlington	

Those who voted in the negative are:

Beyor of Highgate	Helm of Fair Haven	Potter of Clarendon
Brennan of Colchester	Higley of Lowell	Quimby of Concord
Canfield of Fair Haven	LaClair of Barre Town	Rosenquist of Georgia
Cupoli of Rutland City	Lawrence of Lyndon	Savage of Swanton
Devereux of Mount Holly	Lefebvre of Newark	Smith of Derby
Feltus of Lyndon	Lewis of Berlin	Taylor of Colchester
Frenier of Chelsea	Morrissey of Bennington	Terenzini of Rutland Town
Gage of Rutland City	Norris of Shoreham	Van Wyck of Ferrisburgh
Gamache of Swanton	Noyes of Wolcott	
Hebert of Vernon	Pearce of Richford	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Burditt of West Rutland	Head of South Burlington
Batchelor of Derby	Condon of Colchester	Howard of Rutland City
Buckholz of Hartford	Graham of Williamstown	Keenan of St. Albans City

**Rep. Till of Jericho** explained his vote as follows:

“Madam Speaker:

I vote yes. Domestic violence is a problem in Vermont. Vermont has the eighth highest rate of domestic violence in the country. Nearly half of the adult murders in Vermont occur in the setting of domestic violence. 69% of those murders are with firearms. We need to take guns away from people who

shouldn't have them especially at the times we know are most dangerous.”

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 1a, 13 V.S.A. § 4053(b) by striking out the words “a preponderance of the” and inserting in lieu thereof “clear and convincing”

Second: In Sec. 1a, 13 V.S.A. § 4053(e)(1) by striking out the words “a preponderance of the” and inserting in lieu thereof “clear and convincing”

Third: In Sec. 1a, 13 V.S.A. § 4055(a)(1), § 4055(a)(2), § 4055(b)(1), and § 4055(b)(2), by, in each instance, striking out the words “a preponderance of the” and inserting in lieu thereof “clear and convincing”

Fourth: In Sec. 1a, 13 V.S.A. § 4055(b)(1) and § 4055(b)(2), by, in each instance, striking out the words “one year” and inserting in lieu thereof “60 days”

Fifth: In Sec. 1a, 13 V.S.A. § 4053(e)(2), by striking the words “one year” and inserting in lieu thereof “60 days”

Sixth: In Sec. 1a, 13 V.S.A. § 4053(c)(2)(A)(ii) by striking out the word “placed” and inserting in lieu thereof “intended to place”

Seventh: In Sec. 1a, 13 V.S.A. § 4054(b)(2)(A)(ii) by striking out the word “placed” and inserting in lieu thereof “intended to place”

Thereupon, **Rep Deen of Wesminster** raised a point of order that the amendment substantially negated action the body previously took which the Speaker ruled not well taken as the amendment changing evidence standards was not voted on.

Pending the question, Shall the report of the Committee on Judiciary as amended be further amended as offered by Rep. Donahue of Northfield? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Judiciary as amended be further amended as offered by Rep. Donahue of Northfield? was decided in the negative. Yeas, 53. Nays, 85.

Those who voted in the affirmative are:

Bancroft of Westford	Hebert of Vernon	Norris of Shoreham
Baser of Bristol	Helm of Fair Haven	Pajala of Londonderry
Beck of St. Johnsbury	Higley of Lowell	Parent of St. Albans Town
Beyor of Highgate	Juskiewicz of Cambridge	Pearce of Richford
Brennan of Colchester	Keefe of Manchester	Poirier of Barre City
Browning of Arlington	Kimbell of Woodstock	Potter of Clarendon

Canfield of Fair Haven	LaClair of Barre Town	Quimby of Concord
Cupoli of Rutland City	Lawrence of Lyndon	Rosenquist of Georgia
Devereux of Mount Holly	Lefebvre of Newark	Savage of Swanton
Dickinson of St. Albans Town	Lewis of Berlin	Shaw of Pittsford
Donahue of Northfield	Marcotte of Coventry	Smith of Derby
Fagan of Rutland City	Mattos of Milton	Smith of New Haven
Feltus of Lyndon	McCoy of Poultney *	Strong of Albany
Frenier of Chelsea	McFaun of Barre Town	Sullivan of Dorset
Gage of Rutland City	Morrissey of Bennington	Terenzini of Rutland Town
Gamache of Swanton	Murphy of Fairfax	Turner of Milton
Harrison of Chittenden	Myers of Essex	Van Wyck of Ferrisburgh
	Nolan of Morristown	Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Pugh of South Burlington
Bartholomew of Hartland	Giambatista of Essex	Rachelson of Burlington
Belaski of Windsor	Gonzalez of Winooski	Read of Fayston
Bissonnette of Winooski	Grad of Moretown *	Scheu of Middlebury
Bock of Chester	Haas of Rochester	Scheuermann of Stowe
Botzow of Pownal	Hill of Wolcott	Sharpe of Bristol
Briglin of Thetford	Hooper of Montpelier	Sheldon of Middlebury
Brumsted of Shelburne	Hooper of Randolph	Sibilia of Dover
Burke of Brattleboro	Houghton of Essex	Squirrel of Underhill
Carr of Brandon	Jessup of Middlesex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Stuart of Brattleboro
Christensen of Weathersfield	Joseph of North Hero	Sullivan of Burlington *
Christie of Hartford	Kitzmiller of Montpelier	Taylor of Colchester
Cina of Burlington	Krowinski of Burlington	Till of Jericho
Colburn of Burlington	Lalonde of South Burlington	Toleno of Brattleboro
Conlon of Cornwall	Lanpher of Vergennes	Toll of Danville
Connor of Fairfield	Lippert of Hinesburg	Townsend of South Burlington
Conquest of Newbury	Long of Newfane	Trieber of Rockingham
Copeland-Hanzas of Bradford	Lucke of Hartford	Troiano of Stannard
Corcoran of Bennington	Macaig of Williston	Walz of Barre City
Dakin of Colchester	Masland of Thetford	Webb of Shelburne
Deen of Westminster	McCormack of Burlington	Weed of Enosburgh
Donovan of Burlington	McCullough of Williston	Wood of Waterbury
Dunn of Essex	Miller of Shaftsbury	Wright of Burlington
Emmons of Springfield	Morris of Bennington	Yacovone of Morristown *
Fields of Bennington	Mrowicki of Putney	Yantachka of Charlotte
Forguites of Springfield	Noyes of Wolcott	Young of Glover
Gannon of Wilmington	Ode of Burlington	
	O'Sullivan of Burlington	
	Partridge of Windham	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Condon of Colchester	Keenan of St. Albans City
Batchelor of Derby	Graham of Williamstown	Martel of Waterford
Buckholz of Hartford	Head of South Burlington	Viens of Newport City

Burditt of West Rutland

Howard of Rutland City

**Rep. Grad of Moretown** explained her vote as follows:

“Madam Speaker:

I voted no on this amendment so we can pass a strong and effective bill that truly serves public safety.”

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

We had a real opportunity to come together in unity today, joining with our fellow legislators in the Senate, and pass S. 221; a bill voted out by the Senate 30-0. The Senate dealt with this issue in a non-partisan way. I am truly disappointed that we could not rise together, and do the same.”

**Rep Sullivan of Burlington** explained her vote as follows:

“Madam Speaker:

I’m not sure when it became more important to have a kumbyah moment on the floor of the House than to stick with our values and to represent our constituents.”

**Rep. Yacovone of Morristown** explained his vote as follows:

“Madam Speaker:

The test of our progress has little to do with whether we get along or go along, though to be clear civility is paramount. Bipartisanship is important but our standard is not whether those of divergent opinions can come together. Our standard should be the safety of the children. Individual rights are important, but the welfare of our children must always come first.”

Thereupon, the recommendation of the committee on Judiciary, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Krowinski of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 104. Nays, 29.

Those who voted in the affirmative are:

Ancel of Calais

Bancroft of Westford

Bartholomew of Hartland

Baser of Bristol

Belaski of Windsor

Gannon of Wilmington

Gardner of Richmond

Giambatista of Essex

Gonzalez of Winooski

Grad of Moretown

Ode of Burlington

O'Sullivan of Burlington

Pajala of Londonderry

Parent of St. Albans Town

Partridge of Windham

Bissonnette of Winooski	Haas of Rochester	Pugh of South Burlington
Bock of Chester	Harrison of Chittenden	Rachelson of Burlington
Botzow of Pownal	Hill of Wolcott	Read of Fayston
Briglin of Thetford	Hooper of Montpelier	Scheu of Middlebury
Browning of Arlington	Hooper of Randolph	Scheuermann of Stowe
Brumsted of Shelburne	Houghton of Essex	Sharpe of Bristol
Burke of Brattleboro	Jessup of Middlesex	Shaw of Pittsford
Carr of Brandon	Jickling of Randolph	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sibilia of Dover *
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of New Haven
Christie of Hartford	Keefe of Manchester	Squirrell of Underhill
Cina of Burlington *	Kimbell of Woodstock	Stevens of Waterbury
Colburn of Burlington	Kitzmiller of Montpelier	Stuart of Brattleboro
Conlon of Cornwall	Krowinski of Burlington	Sullivan of Dorset
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Burlington
Conquest of Newbury	Lanpher of Vergennes	Taylor of Colchester
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Till of Jericho
Corcoran of Bennington	Long of Newfane	Toleno of Brattleboro
Dakin of Colchester	Lucke of Hartford	Toll of Danville
Deen of Westminster	Macaig of Williston	Townsend of South Burlington
Dickinson of St. Albans Town	Masland of Thetford	Trieber of Rockingham
Donovan of Burlington	McCormack of Burlington	Trojano of Stannard
Dunn of Essex	McCullough of Williston	Walz of Barre City
Emmons of Springfield	Miller of Shaftsbury	Webb of Shelburne
Fagan of Rutland City	Morris of Bennington *	Weed of Enosburgh
Fields of Bennington	Mrowicki of Putney	Wood of Waterbury
Forguites of Springfield	Murphy of Fairfax	Wright of Burlington
Gage of Rutland City	Myers of Essex	Yacovone of Morristown
	Nolan of Morristown	Yantachka of Charlotte
	Norris of Shoreham	Young of Glover
	Noyes of Wolcott	

Those who voted in the negative are:

Beck of St. Johnsbury	Helm of Fair Haven	Potter of Clarendon
Beyor of Highgate	Higley of Lowell	Quimby of Concord
Brennan of Colchester	LaClair of Barre Town	Rosenquist of Georgia
Canfield of Fair Haven	Lawrence of Lyndon	Savage of Swanton
Cupoli of Rutland City	Lefebvre of Newark	Strong of Albany
Donahue of Northfield	Mattos of Milton	Terenzini of Rutland Town
Feltus of Lyndon	McFaun of Barre Town	Turner of Milton
Frenier of Chelsea	Morrissey of Bennington	Van Wyck of Ferrisburgh
Gamache of Swanton	Pearce of Richford	Willhoit of St. Johnsbury
Hebert of Vernon	Poirier of Barre City	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Graham of Williamstown	Martel of Waterford
Batchelor of Derby	Head of South Burlington	McCoy of Poultney
Buckholz of Hartford	Howard of Rutland City	Smith of Derby
Burditt of West Rutland	Keenan of St. Albans City	Viens of Newport City

Condon of Colchester  
Devereux of Mount Holly

Lewis of Berlin  
Marcotte of Coventry

---

**Rep. Cina of Burlington** explained his vote as follows:

“Madam Speaker:

Guns don’t kill people, people kill people. And guns won’t keep us safe, people can keep people safe, through the power of our relationships to each other. Although we may not all agree on the path forward, it is clear to me that the people here in this body care about the people of Vermont. Let this be another step towards greater public safety and a society that resolves its differences through peaceful means and not through violence.”

**Rep. Morris of Bennington** explained her vote as follows:

“Madam Speaker:

My son will soon be 7. He has been doing active shooter drills since the age of 3. I will never forget the terror I felt when I got the call informing me of a lock down on his campus pre-school due to a nearby threat. In honor of his life and the lives, courage, and voices of the Vermont youth who demand we do better, I cast my vote to be on the right side of history. I will not turn my back on their truths.”

**Rep. Sibilia of Dover** explained her vote as follows:

“Madam Speaker:

I voted yes after extensive deliberation, because this bill increases protections for our people and that we have done that while protecting the Second Amendment.”

### **Message from the Senate No. 31**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

**S. 165.** An act relating to preemployment health screenings for hospital employees.

**S. 203.** An act relating to systemic improvements of the mental health system.

In the passage of which the concurrence of the House is requested.

---

The Senate has considered a bill originating in the House of the following title:

**H. 150.** An act relating to parole eligibility.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on the February 28, 2018, he approved and signed a bill originating in the Senate of the following title:

**S. 149.** An act relating to the authority of the Department of Forests, Parks and Recreation to enter into land transactions.

### **Adjournment**

At nine o'clock and seven minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock and thirty minutes in the forenoon.