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Submitted to House Judiciary on March 14, 2017

Please note the material below has not yet been approved by the Vermont Police Association and is not the official position of the VPA at this time.

The VPA has respectfully requested that the committee strike subsection (1) in its entirety. There is no present need to compel law enforcement to seize the type of “weapon” the VPA believes the committee has in mind. The word “shall” removes officer discretion and disregards the complexity and priorities of a crime scene and may, under certain circumstances, create a risk to officers.

That said, the committee requests suggested edits to subsection (1) to minimize the impact of the term “shall” and narrow the definition of weapon to firearms.

Assuming the committee is determined to retain subsection (1) and the word “shall” within subsection (1), the committee may wish to consider these edits:

(1) shall, remove any ~~weapon~~ firearm obtained pursuant to a lawful search ~~judicially recognized exception to the warrant requirement if the officer believes removal of the firearm is practicable and safe, and the officer has probable cause to believe that the firearm is contraband or to have been used involved~~ in the commission of the offense or threatened to be used in the offense; and;

(2) may remove any firearm obtained if the officer believes that, pursuant to a lawful search ~~judicially recognized exception to the warrant requirement, if the~~ removal is necessary for the protection of the officer or any other person.

(b)(1) The law enforcement agency in possession of a weapon removed pursuant to his section shall return the weapon to the person from whom it was removed or to a person the agency has reason to believe has been

designated by the person from whom it was taken to accept return or to any other person the agency has reason to believe is a lawful owner of the weapon within five days after removal, if the person requests that the weapon be returned, unless:

Sec. 2. EFFECTIVE DATE

This act shall take effect on [date that permits time for notice and guidance to officers, perhaps 90 days after passage]~~passage~~.