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S.55

Representative Grad of Moretown moves that the House propose to the Senate that the bill be amended by adding Secs. 8 and 9 to read as follows:

Sec. 8. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

* * *

(c)(1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:

* * *

(3)(A) The court order shall require the defendant to relinquish all firearms and deadly weapons that are in the control, ownership, or possession of the defendant, or in the control, ownership, or possession of any other person on behalf of the defendant, for the duration of the protective order.

(B) 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.

* * *

1 Sec. 9. 15 V.S.A. § 1104 is amended to read:

2 § 1104. EMERGENCY RELIEF

3 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
4 orders under this chapter may be issued ex parte, without notice to the
5 defendant, upon motion and findings by the court that the defendant has abused
6 the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an
7 affidavit in support of the order. A minor 16 years of age or older, or a minor
8 of any age who is in a dating relationship as defined in subdivision 1101(2) of
9 this chapter, may seek relief on his or her own behalf. Relief under this section
10 shall be limited as follows:

11 * * *

12 (4)(A) The court order shall require the defendant to relinquish all
13 firearms and deadly weapons that are in the control, ownership, or possession
14 of the defendant, or in the control, ownership, or possession of any other
15 person on behalf of the defendant, for the duration of the protective order.

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

21 * * *

1 And by renumbering the existing Sec. 8 to be Sec. 10