

# S.55 FACT SHEET

## Frequently Asked Questions

### OVERVIEW

S.55, as passed by the Legislature, includes several gun safety provisions and regulations including universal background checks; safety training; bump stock devices; and magazine capacity. The specific content of S.55 is addressed in the frequently asked questions (FAQs) below.

The Governor has proposed other measures to address the root causes of violence. They include:

- strengthening our mental health system to reduce the risk of violent crimes
- school safety assessments and \$5 million in school safety grants;
- expanding opiate addiction prevention and treatment; and
- a violence prevention task force to further address the complicated issue of reducing all forms of violence in our society.

You can read the Governor's full list of proposals by clicking [HERE](#).

### GENERAL S.55

**Q: Does S.55 include anything that requires me to turnover, or the government to confiscate, any of my firearms or magazines?**

A: No. S.55 does NOT require anyone to turnover any type of firearm or magazine.

**Q: Does S.55 ban any type of firearm?**

A: No. S.55 does NOT ban, or make illegal, any specific type of firearm.

**Q: I partake in sport shooting competitions and/or firearms training events. How will I be affected by this legislation?**

A: S.55 has several provisions to accommodate sport shooting competitions and firearms training events. If you compete out-of-state or train out-of-state, you can continue to legally transport your firearms and magazines (regardless of size) into and out of Vermont. Similarly, if you are not a resident of Vermont, you can continue to legally transport your firearms and magazines of all sizes into Vermont for these purposes.

### SAFETY COURSE REQUIREMENT FOR PURCHASING UNDER AGE 21

**Q: Is everyone prohibited from possessing a firearm until age 21?**

A: No. The legal requirements for owning and possessing a firearm have not changed.

S.55 does not change possession laws. It only requires that anyone who wants to *purchase* a firearm before turning 21 has:

- a) completed any approved firearm safety course (even at the minimum age for the course) such as Vermont's hunter safety course approved by the Commissioner of Fish and Wildlife;
- b) is a member of law enforcement; or
- c) is a member or veteran of the military.

**Q: Are Vermonters prohibited from purchasing firearms until they are 21?**

A: No. If you are 18-21, you may *purchase* firearms if you:

- a) have completed any approved firearm safety course (even at the minimum age for the course) such as Vermont's hunter safety course, an NRA course, 4-H course, or Boy Scout course approved by the Commissioner of Fish and Wildlife;
- b) are a member of law enforcement; or
- c) are a member or veteran of the military.

**Q: I'm under 21 years of age and I have bought and own firearms. Do I have to turn in any guns? Will I be unable to go hunting or recreational shooting?**

A: No. Nothing in S.55 affects prior purchase, possession or use of firearms. In addition, youth in Vermont may legally possess firearms at age 16, or earlier with the consent of parent or guardian.

### **UNIVERSAL BACKGROUND CHECKS**

**Q: Will the changes to the background check process change if I purchase my guns at a gun store/FFL or at a gun show?**

A: No. All guns can be purchased at gun stores/from FFLs at a gun show in the same manner as before. This legislation only extends the background check process to sales between buyers and unlicensed gun dealers.

**Q: Do I have to go through the background check process to give or sell a gun to a member of my family?**

A: No. Guns given or sold to family members (spouse, parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, step grandparent, grandchild, step grandchild, great grandparent, step great grandparent, greatgrandchild, and step great grandchild) are not subject to background check requirements.

### **HIGH CAPACITY MAGAZINES**

**Q: Does S.55 make high capacity magazines illegal?**

A: No. It remains legal to possess large capacity magazines. Vermonters may purchase high capacity magazines from Vermont FFLs through October 1, 2018. Purchase of high capacity magazines in Vermont will be prohibited after October 1, 2018. Again, possession of high capacity magazines remains legal.

**Q: What is the definition of a "high capacity magazine?"**

A: The legislation uses the term "Large capacity ammunition feeding device" which includes a magazine, belt, drum, feed strip or similar device that has a capacity of no more than 10 rounds for long guns and 15 rounds for handguns. It does **NOT** include:

- An attached tubular device with capacity for .22 caliber rimfire ammunition;
- Magazines manufactured or sold for use by a lever or bolt action long gun or by an antique firearm; or
- Magazines for firearms sold as curios or relics as defined by the Agency of Alcohol, Tobacco and Firearms.

**Q: With the changes in S.55, do I have to get rid of my high capacity magazines?**

A: No. Magazines--of any capacity--purchased prior to October 1, 2018 are "grandfathered" in, and are completely legal to own, possess and use

**Q: Do I need to be able to prove I purchased, possessed or owned a high capacity magazine before enactment of this legislation?**

A: No.

**Q: If I leave the state with a high-capacity magazine, can I still legally re-enter the state with that magazine?**

A: Yes, you may travel freely into and out of Vermont with legally purchased high-capacity magazines.

**Q: May I still borrow/lend a high capacity magazine from/to a fellow Vermonter?**

A: Yes. The new regulations do not include loaning high capacity magazines.

**Q: I am a law enforcement officer. Will this affect my ability to purchase a high capacity magazine?**

A: No. High capacity magazines may be transferred to or possessed by a state or federal law enforcement officer, whether the officer is on or off duty.

**Q: Are there other exceptions to purchase, possession and transfer?**

A: Yes. High capacity magazines may continue to be:

- Transferred to a licensee for an on-site physical protection system and security organization required by federal law, or possessed by an employee or contractor of such a licensee on-site for these purposes, or off-site for purposes of licensee-authorized training or transportation of nuclear materials; or
- Possessed by an individual who is retired from service with a law enforcement agency after having been transferred to the individual by the agency upon retirement.

## **BUMP STOCKS**

**Q: What do I do if I own a bump stock?**

A: Possession of bump stocks is prohibited by this legislation after October 1, 2018. Individuals can voluntarily and anonymously relinquish a bump stock device at any state police barracks.

## **GUN SHOP OWNERS, SELLERS & MANUFACTURERS \**

**Q: Can I charge a fee to facilitate a gun transfer between two unlicensed parties?**

A: Yes. The new law permits you to charge a "reasonable" fee.

**Q: I am a federally licensed firearm dealer (FFL). What can I do with my unsold inventory of large capacity magazines?**

A: FFLs may possess, transfer, sell and purchase large capacity magazines lawfully possessed by the FFL and transferred through October 1, 2018. Sales to Vermonters may occur through October 1, 2018.

**Q: When facilitating a gun transfer, do I have to take any additional action (beyond the presentation of photo ID and a NICS background check) to determine whether the proposed transferee is prohibited from purchasing or possessing a firearm?**

A: No.

**Q: Do I need to confirm the transferor is permitted to possess a firearm if a transfer fails?**

A: No.

**Q: Does this legislation restrict me from selling certain types of firearms?**

A: No; it only restricts the sale of magazines and bump-stocks as discussed above.

**Q: I am a firearm or firearm accessory manufacturer. Am I prohibited from manufacturing high-capacity magazines?**

A: No.

**Q: Can I continue to manufacture and transfer high capacity magazines in Vermont?**

A: In limited situations:

- For manufacture, transfer, or possession by the United States or a department or agency of the United States, or the state or a department, agency, or political subdivision of the state;
- For the purposes of testing or experimentation authorized by the U.S. Attorney General, or for product development;
- For repair and return to the person from whom it was received; or
- For transfer in foreign or domestic commerce for delivery and possession outside the State of Vermont.

**Q: I understand that individuals under 21 who have completed hunter safety courses, or other approved courses, can still purchase firearms. What proof do they need to present to me, a gun store or dealer, for me to sell a firearm to them?**

A: A person under 21 can purchase a firearm if they present a certificate of satisfactory completion of a Vermont hunter safety course or an equivalent hunter safety course approved by the Commissioner of the Vermont Department of Fish and Wildlife, or a certificate of satisfactory completion of a hunter safety course in another state or a province of Canada approved by the Commissioner of the Vermont Department of Fish and Wildlife.

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