

Vermont Legislative Council

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MEMORANDUM

To: Representative Jill Krowinski
From: Erik FitzPatrick
Date: October 3, 2017
Subject: Vermont firearms and gun statutes

Under Vermont law, firearm and gun regulation typically depends on the circumstances or location in which the weapon is used or possessed. There are a small number of exceptions involving hunting, but under Vermont law it is generally the time, place and manner of gun usage that is regulated rather than the type of gun that may be possessed. This memo summarizes Vermont statutes on gun use, possession, and sale. The memo is confined to Vermont law; it does not address other legal restrictions and duties that may exist under federal law.

1. Possession/Use

Under certain circumstances the use or possession of guns and other dangerous weapons is prohibited.

Violent Crimes; 13 V.S.A. § 4017

A person convicted of a statutorily defined “violent crime” is prohibited from possessing a firearm. A person who violates this prohibition may be imprisoned for up to two years and fined up to \$1,000.00.

Intent to injure; 13 V.S.A. § 4003

A person may not carry a dangerous or deadly weapon with the intent to injure another person. A person who violates this prohibition may be imprisoned for up to two years and fined up to \$200.00.

While committing a felony; 13 V.S.A. § 4005

A person may not carry a dangerous or deadly weapon while committing a felony. A person who violates this prohibition may be imprisoned for up to five years and fined up to \$500.00.

Negligent use; 13 V.S.A. § 4009

A person who carelessly or negligently wounds another person by gunshot shall be imprisoned for up to five years and fined up to \$500.00.

Aiming or firing at another person; 13 V.S.A. § 4011

Except in self-defense or in the lawful exercise of official duty, a person who points or aims a gun at another person shall be fined not more than \$50.00, and a person who fires a gun at another person shall be imprisoned not more than one year and fined up to \$100.00.

State institutions; 13 V.S.A. § 4003

A person may not carry a dangerous or deadly weapon within or on the ground of a state institution without the permission of the warden or superintendent of the institution. A person who violates this prohibition may be imprisoned for up to two years and fined up to \$200.00.

Courts; 13 V.S.A. § 4016

A person may not possess firearms or other dangerous or deadly weapons in a courthouse without authorization from the court. A person who violates this prohibition may be imprisoned for up to one year and fined up to \$500.00.

Schools; 13 V.S.A. § 4004

A person may not possess firearms other dangerous or deadly weapons in a school building or on a school bus, and may not possess such weapons in any school property with the intent to injure another person. A person who violates this prohibition may be imprisoned for up to two years and fined up to \$1,000.00.

Possession by children; 13 V.S.A. § 4008

A child under age 16 may not possess a handgun without the consent of the child's parent. Violation of this prohibition by a child is a delinquent act.

Possession of loaded rifle, shotgun or muzzle-loader in motor vehicle; 10 V.S.A. § 4705

A person may not possess a loaded rifle, shotgun, or muzzle-loading rifle or shotgun in a motor vehicle, and a law enforcement officer may demand to inspect a gun of this type that is being carried in a motor vehicle to determine whether it is loaded.

Designated safety zone around occupied dwelling house; 10 V.S.A. § 4710

A firearm may not be discharged within a distance of up to 500 feet from an occupied dwelling house or residence if the owner has designated that area as a "safety zone" by putting up posters furnished by the Fish and Wildlife Department containing the words "safety zone, shooting prohibited." A person who violates this prohibition shall be fined \$50.00.

Silencers; 13 V.S.A. § 4010

The manufacture, possession, use or sale of gun silencers is prohibited, with exceptions provided for certain law enforcement officers, members of the Vermont National Guard, and use at sports shooting ranges. Violation of this prohibition results in a \$25.00 fine.

2. Sale/Transfer

Several statutes regulate or impose restrictions on the sale and transfer of guns.

Records of handgun sales; 13 V.S.A. § 4006

Retail merchants dealing in firearms and pawnbrokers must keep detailed records of all handgun sales. Failure to keep the required records results in a fine of not more than \$100.00

Furnishing to children; 13 V.S.A. § 4007

A person may not sell or furnish a firearm or other dangerous weapon or ammunition to a child under age 16. A person who violates this prohibition may be fined not more than \$50.00 and not less than \$10.00

Residents and nonresidents; 13 V.S.A. § 4014, 4015

A non-Vermont resident may purchase a rifle or shotgun in Vermont if the purchase complies with federal law and the law of the resident's home state. A Vermont resident may purchase a rifle or shotgun in another state if the purchase complies with federal and Vermont law and the law of the state where the purchase is made.

3. Hunting

A number of gun regulations apply only when hunting.

Machine guns and autoloading rifles; 10 V.S.A. § 4704

A person engaged in hunting for wild animals shall not use, carry, or have in his or her possession a machine gun or an autoloading rifle with a magazine capacity of over six cartridges, except a .22 caliber rifle using rim fire cartridges.

Hunting from a motor vehicle; 10 V.S.A. § 4705

Hunting with a firearm from a motor vehicle or from within 10 feet of the traveled portion of a public highway is prohibited.

Moose hunting; 10 V.S.A. Appendix Ch. 1, § 33, Part 14.0

No person shall attempt to shoot a moose when the moose is within 100 yards of any town, state, or federal highway

Licensing and education; 10 V.S.A. § § 4524; 4503-08

A person must have a license and take a hunter's safety course in order to hunt in Vermont. Failure to comply with licensing and other requirements may result in seizure of the person's firearms and other hunting equipment.