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20 V.S.A. § 2301. Applicability of chapter

Notwithstanding any other provisions of law relating to the retention and disposition of evidence or lost, unclaimed, or abandoned property, the provisions of this chapter shall govern the retention or disposition or both of unlawful firearms, as defined in section 2302 of this title, in the possession of any agency, as defined in section 2302, and the disposition of abandoned firearms, as defined in section 2302, in the possession of the Department of Public Safety.

§ 2302. Unlawful firearms; agency

(a) For purposes of this chapter, “unlawful firearms” means firearms the possession of which constitutes a violation of federal or state law and firearms carried or used in violation of any federal or state law or in the commission of any federal or state felony.

(b) For purposes of this chapter “unlawful per se” means firearms the possession of which is unlawful under any circumstances by virtue of state or federal law.

(c) For purposes of this chapter, “abandoned firearms” means nonevidentiary firearms in the possession of the Department of Public Safety that remain unclaimed for more than eighteen months from the date the firearms come into the Department of Public Safety’s possession.

(d) For purposes of this chapter, “agency” means any state or local law enforcement agency, any state agency except the Vermont fish and wildlife department, and any local government entity.

§ 2305. Disposition of unlawful firearms; immunity from liability

(a) ~~Any unlawful firearm which the commissioner of public safety determines to be unsafe or the possession of which is unlawful per se shall either be destroyed, or if the commissioner of public safety~~ Commissioner of Public Safety ~~deems such to be appropriate, retained by the department of public safety~~ Department of Public Safety ~~for purposes of forensic science reference. In no event shall the commissioner of public safety~~ Commissioner of Public Safety ~~dispose of such an unlawful firearm in any other manner or to any other person.~~

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(b) Except as provided in section 2306 of this title, all ~~other unlawful and abandoned~~ firearms shall either be delivered to the ~~state treasurer~~ Commissioner of Buildings and General Services as directed by him or her for disposition by public sale pursuant to the provisions of chapter 13 of Title 27, or by such other manner of sale, pursuant to his or her authority under Title 29, to a federally licensed firearms dealer deemed appropriate by the state treasurer, or at the discretion of the state treasurer, donated to a governmental agency or to a nonprofit organization upon the recommendation of the commissioner of fish and wildlife Commissioner of Buildings and General Services, transferred to the Commissioner of Fish and Wildlife for disposition, or, if the ~~commissioner of public safety~~ Commissioner of Public Safety deems such to be appropriate, retained by the ~~department of public safety~~ Department of Public Safety for purposes of forensic science reference. Notwithstanding the foregoing provision of this subsection, an unlawful firearm used in the commission of a homicide shall not be delivered to the ~~state treasurer~~ Commissioner of Buildings and General Services for disposition by ~~public sale~~, but shall be disposed of only in accordance with the provisions of subsection (a) of this section or section 2306 of this title.

(c) When the firearms sold under this section have been delivered ~~to the commissioner of public safety~~ by a local law enforcement agency, the ~~state treasurer~~ Commissioner of Buildings and General Services shall return two-thirds of the net proceeds from the sale to the appropriate municipality.

(d) Any legal, administrative, or regulatory action or proceeding may not be maintained against the state or any officer of the state for or on account of an act or omission of the Commissioner of Buildings and General Services in accordance with this section.

§ 2306. Rights of innocent owner

Nothing contained in subsection 2305(b) of this title shall prejudice the rights of the bona fide owner of any unlawful firearm, the disposition of which is governed by that subsection, upon affirmative proof by him or her that he or she had no express or implied knowledge that such unlawful firearm was being or intended to be used illegally or for illegal purposes. If the bona fide owner provides reasonable and satisfactory proof of his or her ownership and of his or her lack of express or implied knowledge to the ~~commissioner of public safety~~ Commissioner

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of Public Safety, the unlawful firearm shall be returned to him or her. If the ~~commissioner of public safety~~ Commissioner of Public Safety determines that the proof offered is not satisfactory or reasonable, the person may, within 14 days, request a hearing before the ~~state treasurer~~ Commissioner of Buildings and General Services and the ~~commissioner of public safety~~ Commissioner of Public Safety, jointly. The ~~state treasurer~~ Commissioner of Buildings and General Services and the ~~commissioner of public safety~~ Commissioner of Public Safety shall promptly hold a hearing on any claim filed under this section, in accordance with the provisions for contested cases in chapter 25 of Title 3.

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