

Department of Public Safety  
45 State Drive  
Waterbury, VT 05671



# ANNUAL REPORT

2017

*The annual report on the status of the firearms storage program for the  
relinquishment of firearms pursuant to relief from abuse orders.*

*T. 20 V.S.A. Sec. 2307*

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# INTRODUCTION AND STATUS

## Introduction and Status

### ACT 191 CHANGES TO TITLE 20 V.S.A. § 2307

During Vermont's General Assembly 2013-2014 session changes were made to Title 20 authorizing the relinquishment of firearms, ammunition or other weapons in a person's possession by a court order issued under the abuse prevention act or any other provision of law consistent with T. 18 U.S.C. § 922(g)(8).

The Department of Public Safety was given the responsibility for the implementation and establishment of standards and guidelines to carry out this program. The Department of Public Safety is also responsible for reporting to the House and Senate Committees on Judiciary on the status of the program on January 15<sup>th</sup> of every year.

This is the report on the status of the program for the year 2017 and is submitted on January 15, 2018.

### STATUS

The guidelines were prepared along with a firearms storage location compliance form. A listing of all Vermont federally licensed dealers was developed. Both were distributed via e-mail in 2014 to all law enforcement agencies. Federal licensed firearms (FFL) dealers were contacted by mail. Currently, there are no police departments participating in the program and there is one (1) FFL participating. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was consulted concerning all the FFLs who wanted to be considered as storage facilities. All were found to hold valid federal firearms licenses. The Deputy Commissioner of Public Safety met with the chiefs of police to discuss participation in the program, but most chiefs did not want to be involved with the firearms storage program. Some of the reasons included lack of storage space, concern over liability and the administrative responsibility of being involved in a state mandated program.

It is unknown if the Vermont courts are presently ordering the relinquishment of firearms to cooperating law enforcement agencies or approved FFLs. There appears to be inconsistency from the courts about whether firearms are being ordered to be removed from offenders. If the court orders the firearms removed, state, county or local agencies usually store the firearms at their police agency.

The Department of Public Safety has developed tracking codes within the CAD records management system to better track and record the efforts of the department regarding service of temporary and final abuse prevention orders as of December 2017. Service of orders on defendants in APO matters often requires multiple attempts spanning across shifts and troopers.

The firearms storage program is in its fourth year and there has been very little participation across the state. Currently the Vermont State Police has (128) one-hundred and twenty-eight

# INTRODUCTION AND STATUS

firearms in storage at various barracks as a result of abuse prevention orders. DPS reached out to all law enforcement agencies within Vermont to determine how many agencies had firearms in storage. Only 19 agencies responded, reporting a total of 63 total firearms being stored on their premises.

# STANDARDS AND GUIDELINES

## Standards and Guidelines

The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:

1. Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:
  - (A) federally licensed firearms dealers that annually certify compliance with the Department's standards to receive firearms, ammunition, or other weapons pursuant to subdivision (b)(2) of this section; and
  - (B) Cooperating law enforcement agencies.

**The Department of Public Safety has established minimum standards for both federally licensed firearms dealers and cooperating law enforcement agencies. These standards may be found in appendix A of this report and may be found at the Department of Public Safety web site at <http://vsp.vermont.gov/firearmstorage>**

2. Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.

**This has also been accomplished. The fees may be found in the fee section, page 12 of this report.**

3. Establish standards and guidelines to provide for the storage of firearms, ammunition, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:
  - (A) with the consent of the law enforcement agency taking possession of a firearm, ammunition, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;
  - (B) the law enforcement agency that takes possession of the firearm, ammunition, or weapon may provide a storage container for the relinquished item or items at an additional fee; and

**This also has been accomplished and can be found in Appendix A.**

# LIST OF FEDERALLY LICENSED DEALERS AND COOPERATING LAW ENFORCEMENT AGENCIES

List of Federally Licensed Dealers and Cooperating Law Enforcement Agencies:

<b>Cooperating LE Agencies and Approved FFL Name</b>	<b>Location of Business</b>	<b>Statewide Storage</b>	<b>Local Storage</b>
Martin J. Lomasney	4703 VT Route 102 Bloomfield, VT	Statewide	

# CONTACT INFORMATION

## Contact Information

Further information regarding this report and the status of the firearms storage program may be received by contacting:

Vermont Department of Public Safety  
Firearms Storage Program  
45 State Drive  
Waterbury, VT  
802-241-5200

# APPENDIX A – GUIDELINES

## Appendix A – Guidelines

### Vermont Department of Public Safety

#### Guidelines for the Relinquishment and Storage of Firearms

The Vermont Department of Public Safety is charged with overseeing implementation of Vermont law that permits law enforcement and court-approved federally licensed dealers to charge a fee for the storage of firearms, ammunition, and other weapons while a relief from abuse order is in effect.<sup>1</sup> These guidelines only apply to cooperating law enforcement agencies or an approved federally licensed firearms dealer. The below Guidelines are pursuant to 20 V.S.A. § 2307.

The term firearm(s) in this document shall have the same meaning as 18 U.S.C. § 921(a)(3).

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<sup>1</sup> Specifically, Vermont law provides:

**20 V.S.A. § 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM ABUSE ORDER; STORAGE; FEES; RETURN**

*(i) The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:*

*(1) Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:*

*(A) federally licensed firearms dealers that annually certify compliance with the Department's standards to receive firearms, ammunition, or other weapons pursuant to subdivision (b)(2) of this section; and*

*(B) cooperating law enforcement agencies.*

*(2) Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.*

*(3) Establish standards and guidelines to provide for the storage of firearms, ammunition, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:*

*(A) with the consent of the law enforcement agency taking possession of a firearm, ammunition, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;*

*(B) the law enforcement agency that takes possession of the firearm, ammunition, or weapon may provide a storage container for the relinquished item or items at an additional fee; and*

*(C) the law enforcement agency that takes possession of the firearm, ammunition, or weapon shall present the owner with a receipt at the time of relinquishment which includes the serial number and identifying characteristics of the firearm, ammunition, or weapon and record the receipt of the item or items in a log to be established by the Department*



# APPENDIX A – GUIDELINES

Title 20 : Internal Security And Public Safety

Chapter 145 : Disposition And Fee For Storage Of Unlawful Firearms

(Cite as: 20 V.S.A. § 2305)

§ 2305. Disposition of unlawful firearms

(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 deems such to be appropriate, retained by the department of public safety for purposes of forensic science reference. In no event shall the commissioner of public safety dispose of such an unlawful firearm in any other manner or to any other person.

(b) Except as provided in section 2306 of this title, all other unlawful firearms shall either be delivered to the state treasurer 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 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, or, if the commissioner of public safety deems such to be appropriate, retained by the 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 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 shall return two-thirds of the net proceeds from the sale to the appropriate municipality. (Added 1983, No. 132 (Adj. Sess.); amended 1995, No. 78 (Adj. Sess.), § 16; 2001, No. 80 (Adj. Sess.), § 2.)

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# APPENDIX A – GUIDELINES

## **List of Qualified Storage Locations**

The Department shall maintain a list of qualified storage sites for the storage of firearms when a relief from abuse order is in effect. The list shall be available on the Department's website at:

<http://vsp.vermont.gov/firearmstorage>

Any law enforcement agency or federally licensed firearm dealer that wishes to be listed by the Department as a qualified storage facility must adhere to these Guidelines and must annually certify compliance with these Guidelines. A compliance certification form is attached and available at [www.dps.vermont.gov](http://www.dps.vermont.gov). By January 1 of each year, anyone wishing to be listed as a qualified storage site must complete this form and submit it to:

Vermont Department of Public Safety

Firearms Storage Program

45 State Drive

Waterbury, Vermont 05671

The annual certification by a law enforcement agency shall indicate whether the agency wishes to be a regional storage location or whether the agency will only accept firearms and other items from within the agency's geographic jurisdiction.

Those that annually certify compliance with these standards agree that the Department may annually perform a reasonable inspection of the area where firearms or other weapons are stored for purposes of ensuring compliance with these Guidelines. Such inspection shall be arranged with the consent of the owner of the facility.

## **Standards for Transportation and Storage of Firearms**

The following minimum standards shall apply to the transport and storage of firearms:

### **Transportation**

Firearms transported in the passenger area of a vehicle should be secured in a locked gun mount. Alternatively, firearms should be cased and secured in the trunk of the vehicle. When firearms are carried in vehicles with no trunk compartment, every precaution

## APPENDIX A – GUIDELINES

should be taken to ensure that they are not visible or accessible from outside of the vehicle or accessible to the driver or any passenger.

### Storage

Firearms shall be stored unloaded and in an authorized location and in the following manner:

- An authorized location shall be secured and not accessible to unauthorized personnel or children. Ammunition must be locked away from a firearm.
- Firearms should be stored in a safe deposit box, vaults, safes or weapons cabinets listed as an “Underwriters Laboratories Residential Security Container”. Such containers must be fitted with at least a padlock or other mechanical, or electronic lock.
- When stored in conjunction with a secure room, firearms may be stored in a filing cabinet equipped with locking bars and secured with a combination padlock or a security container equipped with a built-in combination lock.
- Firearm(s) being stored must be in safe deposit boxes, vaults, safes or weapons cabinets large enough to fully contain all firearms stored within.
- Vaults shall comply with the standards listed under the firearms storage vault section of this document.
- If a firearm(s) is to be stored in a secure room the room shall be subject to 24-hour video surveillance, shall be locked using a high-security lock, and shall only be accessible to authorized personnel.
- A storage container may be provided by the owner to a law enforcement, if it is with the law enforcement agencies consent, for the purposes of storing the owner’s relinquished firearm.

### **Process for Relinquishment**

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The Court shall order the relinquishment of firearms, ammunition or weapons to a cooperating law enforcement agency (Vermont State Police, municipal police department or a sheriff's department), approved federally licensed firearm dealer or other persons.

If the Court orders the firearm, ammunition or weapon relinquished to a cooperating law enforcement agency or approved firearm dealer the person shall immediately relinquish the firearms, ammunition or weapon to the agency serving the order.

The only items subject to storage fees under these Guidelines are those items specified in the court's order for relinquishment. Fees shall only start accruing after a final relief from abuse order is issued (T. 20 § 2307 (c)(3) ).

If the order is being served on a person where the firearm(s) or other items are currently located, the firearm(s) or other items shall be given to the law enforcement officer. Otherwise the firearm(s) or other items shall be immediately delivered to the nearest cooperating law enforcement agency/department or taken to a cooperating federally licensed firearms dealer approved to store firearm(s).

All recognized storage facilities must comply with the standards and guidelines established by the Vermont Department of Public Safety.

## **Solicitation of Storage Locations**

The Vermont Department of Public Safety shall solicit by asking all sheriff's offices and police departments if they wish to be considered as a storage facility. Only cooperating sheriff's offices and police departments shall be authorized to store firearm(s). The Vermont Department of Public Safety shall ask if these agencies/departments will be a regional storage facility or will only store firearms for their jurisdictions.

The Vermont Department of Public Safety shall solicit from federally license firearms dealers if they would like to be considered as a recognized storage facility for firearms.

## **Inventory of Relinquished Items**

A law enforcement agency/department shall perform an inventory of items ordered relinquished. This inventory shall include a photograph of the weapon and a cataloguing of the firearm(s) make, model, caliber and serial number and any identifying

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characteristics of the firearm. The law enforcement agency/department may conduct the necessary checks to ensure that the firearm(s) is not stolen, wanted or used in a crime. Firearm(s) that may be used as evidence in a pending criminal matter shall be retained by the investigating agency/department as evidence – such shall firearm(s) shall not be subject to any storage or other fees. A law enforcement agency shall produce a receipt to give to the owner of the item(s) and shall record the storage of the items within the department's records management system.

A federally licensed firearms dealer authorized to store firearm(s) in accordance with these guidelines shall photograph and catalogue the firearms make, model, caliber and serial number. A receipt shall be given to the owner of the firearm at the time of relinquishment.

### **Firearms Storage Vaults**

Firearms storage vaults and/or gun safes for the storage of firearm(s) must be Underwriters Laboratories (UL) approved. A storage vault or safe must be sufficient to prevent theft and protect the firearm(s) against the weather and damage that exposure to weather could cause to the firearm(s). The Vermont Department of Public Safety shall document the type of vault or safe used by the approved storage facility and shall ensure that the storage facility accepts the liability associated with the negligent storage of firearm(s). Vaults shall comply with the following standards;

- Should have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe should have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength;
- Bolt work should consist of a minimum of three steel locking bolts of at least ½ inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock;

## APPENDIX A – GUIDELINES

- The exterior walls should be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least .100 inches for safes with two walls. Doors shall be constructed of a minimum of two layers of 12-gauge steel, or one layer of 7-gauge steel compound construction;

A storage facility shall ensure the proper firearm(s) are returned to the owner in in the same condition it is received. A proper inventory of the firearm(s) shall identify the condition of the firearm(s) upon receipt.

If funds are available the Vermont Department of Public Safety shall make available to approved storage facilities the costs to purchase a firearm storage vault or safe. The funds shall be paid back by the approved storage facility based on a pre- approved payment schedule.

All funds to be managed for this program by the Vermont Department of Public Safety shall be done so in accordance with the Agency of Administration Bulletins.

### **Responsibilities of Storage Locations**

Approved storage facilities must adopt policies and procedures for the care of firearms associated with the relinquish of firearms pursuant to a court order. These policies must be approved by the Vermont Department of Public Safety. They must at a minimum include procedures on taking firearms into their possession, the storage and custody of the firearm(s) and the final disposition of the firearm(s) including the transfer of custody or destruction of the firearm.

### **Liability**

A law enforcement agency/department or federally licensed firearm dealer approved to be a storage facility shall be immune from civil or criminal liability for any damage or deterioration of firearm(s) in their care unless the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct.

### **Fees**

*Fees shall not begin to accrue until after the Court issues a final relief from abuse order.*

The following is a summary of the fees associated with the storage of relinquished firearm(s).

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A law enforcement agency that stores firearms, ammunition or weapons may charge the owner a reasonable storage fee, not to exceed

Fee for storing firearms	\$200.00 for the first firearm or weapon, and \$50.00 for each additional firearms or weapon for up to 15 months, prorated on the number of months the items are stored: and \$50.00 per firearms or weapon per year for each year or part of thereafter.
Fee for storing ammunition	Not exceed \$.50 per pound per week.

A federally licensed firearms dealer that stores firearms, ammunition, or weapons may charge the owner a storage fee that is reasonably related to the expenses it incurs in the administration of this section. Any federally licensed firearm dealer that certifies compliance under 20 V.S.A. § 2307 shall provide a copy of its fee schedule to the Court.

### **Guidelines for Listing of Qualified Storage Locations**

The Department of Public Safety shall seek from all federally licensed firearms dealers (FFL's) and all law enforcement agencies in Vermont their interest in being a storage facility. A law enforcement agency may opt to only store firearm(s) for residents within their geographic area of jurisdiction. The Department of Public safety will also seek interest in those who want to be considered as a storage facility for anyone in the state.

A list of approved facilities shall be available on the Department of Public Safety's web site and given to the court(s).

### **Release of Items and Sale**

Firearms or other items may be released to an owner after the owner is legally allowed to possess the items. This will be determined through a court order authorizing the release of the items back to the owner and shall only be released after verification of a court order authorizing there release. The cooperating law enforcement agency or federally

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licensed firearm dealer shall release the firearm(s) within three business days of receipt of the court order.

If the owner fails to retrieve the firearm, ammunition or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the Court issues a final relief from abuse order.

A “reasonable effort” shall include providing notice to the owners last known address at least 21 days before the date of sale. Notice shall be via first class mail, certified receipt restricted delivery.

In the event the firearms (or other items) are sold, proceeds from the sale of the firearms shall be apportioned as follows:

1. Unpaid fees and costs shall be paid to the law enforcement agency or firearms dealer who incurred the costs.
2. Any proceeds remaining after payment is made above shall be paid to the original owner of the firearm(s).



# APPENDIX B – FIREARMS STORAGE LOCATION COMPLIANCE FORM

## Appendix B – Firearms Storage Location Compliance Form

Firearms Storage Location Compliance Form

Law Enforcement Agency or FFL Business Information

Name of Agency

Or Business: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address

City

State

ZIP Code

Business Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email

Name of Agency

or Business

Head:

(Last)

(First)

(M.I.)

Law Enforcement Agency, please indicate below which service your agency is willing to provide:

\_\_\_\_ I will only accept firearm(s), ammunition and weapons from citizens residing within my jurisdiction.

\_\_\_\_ I will participate on a regional and statewide basis accepting firearm(s), ammunition or weapons from anyone.

FFL# (If applicable): \_\_\_\_\_

Name of person

responsible for

the program:

Compliance Information

I certify the following:

I have a current federal firearms license and I am in good standing with Bureau of Alcohol, Tobacco, Firearms and Explosive (ATF). Not applicable to law enforcement agencies.

I will only charge the fees as stipulated in 20 V.S.A. § 2307 and as stipulated by the Department of Public Safety.

## APPENDIX B – FIREARMS STORAGE LOCATION COMPLIANCE FORM

When transporting firearms in the passenger compartment area of a vehicle the firearms will be secured in a locked gun mount. When the firearm(s) are transported in the trunk compartment of a vehicle they shall be cased.

Firearm(s) will be stored unloaded in a secured location not accessible by unauthorized personnel or children.

Firearm(s) will be stored in safe deposit box, vault, safe or weapons cabinet approved by Underwriters Laboratories (UL) for the storage of firearms.

When firearm(s) are stored in conjunction with a secure room they may be stored in a filing cabinet equipped with locking bars or other securing device.

A secure room shall be subject to 24 hour surveillance, and shall be locked using a high security lock.

I certify that I understand the above and will comply with all the provisions of law and the Department of Public Safety's regulations regarding the storage of firearm(s), ammunition and weapons.

Signature

Date

**Return the completed form to:**

Vermont Department of Public Safety  
Firearms Storage Program  
45 State Drive., Waterbury, VT 05671