

1 H.133

2 Introduced by Representatives Grad of Moretown, Pugh of South Burlington,
3 and Colburn of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Family procedures; emergency relief from abuse orders;
7 relinquishment of firearms

8 Statement of purpose of bill as introduced: This bill proposes to clarify that a
9 court issuing an emergency relief from abuse order has the authority to require
10 relinquishment of the defendant's firearms.

11 An act relating to emergency relief from abuse orders and relinquishment of
12 firearms

13 It is hereby enacted by the General Assembly of the State of Vermont:

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

15 § 1104. EMERGENCY RELIEF

16 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
17 orders under this chapter may be issued ex parte, without notice to the
18 defendant, upon motion and findings by the court that the defendant has abused
19 the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an
20 affidavit in support of the order. A minor 16 years of age or older, or a minor

1 of any age who is in a dating relationship as defined in subdivision 1101(2) of
2 this chapter, may seek relief on his or her own behalf. Relief under this section
3 shall be limited as follows:

4 * * *

5 (4) An order issued under this section may, if the plaintiff's complaint or
6 affidavit includes information that the defendant possesses, owns, or controls
7 firearms, and the court finds it necessary to protect the plaintiff or the
8 plaintiff's children, require the immediate relinquishment, until the expiration
9 of the order, of all firearms that are in the defendant's possession, ownership,
10 or control or that another person possesses or controls on behalf of the
11 defendant.

12 * * *

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.