

**VERMONT LAW ENFORCEMENT AGENCIES**

**FIREARMS INTAKE PROCEDURES**

**Intake & Storage**

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Purpose & Scope  
Determining Category of Firearms  
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Documentation - Forms  
Destroying Firearms  
Firearms and Accessories – Not Accepted  
Safe Handling/Inspection/Storage  
Location of Storage

**Legislation - Title 20 VSA Chapter 145**

**Link Below**

Disposition & Fee for Storage of Unlawful Firearms

**Definitions – Refer to Title 20, Chapter 145 (link below)**

Unlawful Firearms  
Other than Unlawful  
Includes abandoned firearms and firearms that are not unlawful or unlawful per se.  
Unlawful per se

**Forms**

- Form A**    **BGS Surplus Property Notification Form (Excel format) – Unlawful Firearms & Other-than-Unlawful Firearms**  
**Form B**    **VT Forensic Laboratory Review of Unlawful Firearms Form**

**Acronyms**

**BGS**    Department of Buildings & General Services  
**SP**     Surplus Property  
**LEA**    Law Enforcement Agency – includes State, Municipal, and Sheriffs  
**DPS**    Department of Public Safety  
**VTFL**   Vermont Forensic Laboratory

**Link to Documents/Legislation**

- Surplus Property Firearms Procedures Website: <https://bgs.vermont.gov/content/firearm-procedures>
- Title 20, Chapter 145 (full chapter): Disposition/Fee for Storage of Unlawful Firearms <https://legislature.vermont.gov/statutes/fullchapter/20/145>
- Title 29, Chapter 59, Section 1556 – Surplus Property <http://legislature.vermont.gov/statutes/chapter/29/059>

**FIREARMS**  
**VERMONT LAW ENFORCEMENT AGENCIES**  
**INTAKE & STORAGE PROCEDURES**

**PURPOSE AND SCOPE**

This document provides mandatory procedures for accepting, securing and selling unlawful and abandoned firearms from local law enforcement agencies (LEA), i.e., municipal police departments and county sheriff departments pending the disposal of these items as set forth in Title 20 V.S.A. Chapter 145.

**DETERMINING CATEGORY OF FIREARMS**

**Unlawful? Unlawful per se? Abandoned? To be Destroyed?**

- Law enforcement agencies (LEA) – includes State and local/municipal/sheriffs - have the sole responsibility to determine whether a firearm qualifies for transfer to the Commissioner of the department of Buildings & General Services (BGS) – as “unlawful” or “other than unlawful” which the Commissioner is authorized to sell, as defined in Title 20, Chapter 145.
- BGS is not authorized to take firearms or accessories that are intended to be destroyed.
- LEA will have sole responsibility for maintaining any records relative to the firearm prior to transfer to BGS.

**Retaining “Other-Than-Unlawful” Firearms | 18 Months**

- Firearms, from LEA’s, which are certified to be “other than unlawful,” which the Commissioner of BGS is authorized to sell, shall be stored in the vault for a period of time - not less than eighteen months - on behalf of the Commissioner of the Department of Public Safety (DPS).
  - Eighteen months from the intake date is the date upon which the firearms can be defined as abandoned under 20 V.S.A. § 2302(4).
- The DPS Forensic Lab will be given the opportunity to review and retain all firearms certified to be “other than unlawful” prior to sale.

**DOCUMENTATION – FORMS**

**FORM A - Surplus Property Notification File (Excel spreadsheet)** -- LEAs must enter all firearms prior to scheduling delivery to Surplus Property.

- **Asset Number | Serial Number** - An individual Surplus Property Asset Number will be assigned by Surplus Property and will be associated with each serial number.
  - While either the LEA or BGS may have a code on a firearm, both systems must agree explicitly on the serial number.
- **Signatures at Time of Transfer** - Any transfer of firearms to or from the Vault will document chain of custody with two signatures.
  - The signatures will include (1) the law enforcement individual surrendering the firearm(s) and (2) the surplus property employee receiving the firearm(s).
- **Copy of Receipt to LEA** - Copies of receipt documentation for the transfer of firearms will be printed for the LEA surrendering firearms.
- **Reimbursement to LEA** - Surplus property shall develop individual identification numbers in the state financial system for each local LEA to track Surplus Property labor costs in order to facilitate reimbursement of funds to the local LEA per 20 V.S.A. § 2305) (c).

**FORM B – Vermont Forensic Laboratory Review of Unlawful Firearm Form** - An internal document provided by LEA/BGS to the DPS Forensic Lab. After review, the DPS Forensic Lab directs that the firearm (1) will be delivered to and retained by Forensic Lab or (2) will be transferred to BGS/Surplus Property for sale.

## THE INTAKE PROCESS

This procedure is intended to make the process more streamlined for law enforcement agencies, the Forensic Lab, and BGS Surplus Property.

### **Local Law Enforcement Agency must submit Forms A**

Fill out the spreadsheet (Form A) with the detail of each firearm – For both Unlawful and Other Than Unlawful firearms

- Certify that the firearms are either Unlawful or Other Than Unlawful
- Forward the spreadsheet (Form A) to BGS Surplus Property

Intake Documentation Process:

1. Form A is filled out by LEA and submitted to BGS/SP.
2. BGS/SP reviews the details to ensure documentation is complete.
3. From the Form A information BGS generates a Form B for each firearm; returns Form B to LEA for signature and submits to DPS for review.
4. DPS determines whether:
  - a. The firearm is transferred to DPS Forensic Lab for retention or
  - b. The firearm is approved for transfer to BGS/SP
5. BGS/SP coordinates with LEA to establish transfer date/times.
6. The transfer process includes both:
  - a. Firearms destined for BGS/SP.
  - b. Firearms to be retained by DPS Forensic Lab.

## DESTROYING FIREARMS

### Unlawful per se

- These firearms can be transferred by LEA to DPS.
- For procedure information, LEA can contact Harry Jeppe at the VT Forensic Laboratory (802-244-8727).

### Suicide Firearms

- The Department of Buildings and General Services (BGS) Surplus Property will not accept or sell firearms associated with a suicide.
- BGS cannot provide any advice on a law enforcement agencies' authority under the law relative to suicide-type guns.

## FIREARMS AND ACCESSORIES – NOT ACCEPTED

- BGS will **not** accept:
  - Firearms that contain any documentation or stickers identifying it as evidence.
  - Firearms that have been used in a suicide or homicide.
  - Firearms listed on the National Crime Information Center's (NCIC) computer.
  - Any accessories not exclusive to the weapon.
- The following list of items, while not exhaustive, are examples of items **not accepted** for storage in the Vault:

|  |  |
|--|--|
| • Ammunition                           | • Gun Magazines, orphaned                          |
| • Ammunition Loading Equipment         | • Lights or Light Systems not attached to a weapon |
| • Bayonets not attached to weapon      | • Knives   |
| • Chemical Agents (Capstan, Mace etc.) | • Optics not attached to a weapon                  |
| • Gun Belts                            | • Slings not attached to a weapon                  |
| • Gun Cases, orphaned                  |  |
| • Gun Cleaning Materials               |  |

**SAFE HANDLING**

1. Rendered safe.
  - a. All firearms must be rendered safe (submitted in an inoperable condition).
    - i. The firearm could be rendered safe by a gun lock or a nylon type zip tie.

[https://vermontgov-my.sharepoint.com/personal/deb\\_ferrell\\_vermont\\_gov/Documents/FIREARMS/Procedure Document/LEA INTAKE/2021-02-17- \(3\) Revisions with TAL - LEA Intake Procedures - DWF\\_.docx](https://vermontgov-my.sharepoint.com/personal/deb_ferrell_vermont_gov/Documents/FIREARMS/Procedure Document/LEA INTAKE/2021-02-17- (3) Revisions with TAL - LEA Intake Procedures - DWF_.docx)