

1 S.281

2 Representative Brennan of Colchester moves that the House propose to the
3 Senate that the bill be amended by striking out Sec. 4, effective dates, in its
4 entirety and inserting in lieu thereof the following:

5 Sec. 4. 13 V.S.A. § 4010 is amended to read:

6 § 4010. GUN SUPPRESSORS

7 (a) As used in this section:

8 (1) “Gun suppressor” means any device for silencing, muffling, or
9 diminishing the report of a portable firearm, including any combination of
10 parts, designed or redesigned, and intended for use in assembling or fabricating
11 a gun suppressor, and any part intended only for use in such assembly or
12 fabrication.

13 (2) “Sport shooting range” shall have the same meaning as used in
14 10 V.S.A. § 5227(a).

15 (b) A person shall not manufacture, make, or import a gun suppressor,
16 except for:

17 (1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is
18 registered as a manufacturer pursuant to 26 U.S.C. § 5802;

19 (2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered
20 as an importer pursuant to 26 U.S.C. § 5802; or

1 (3) a person who makes a gun suppressor in compliance with the
2 requirements of 26 U.S.C. § 5822.

3 (c) A person shall not use a gun suppressor in the State, except for use by:

4 (1) a Level III certified law enforcement officer or Department of Fish
5 and Wildlife employee in connection with ~~his or her~~ the officer's or
6 employee's duties and responsibilities and in accordance with the policies and
7 procedures of that officer's or employee's agency or department;

8 (2) the Vermont National Guard in connection with its duties and
9 responsibilities;

10 (3) a licensed manufacturer or a licensed importer, as defined in
11 18 U.S.C. § 921, who is also registered as a manufacturer or an importer
12 pursuant to 26 U.S.C. § 5802, who in the ordinary course of ~~his or her~~ the
13 manufacturer's or importer's business as a manufacturer or as an importer tests
14 the operation of the gun suppressor; ~~or~~

15 (4) a person lawfully using a sport shooting range; or

16 (5) a person taking game as authorized under 10 V.S.A. § 4701.

17 (d)(1) A person who violates subsection (b) of this section shall be fined
18 not less than \$500.00 for each offense.

19 (2) A person who violates subsection (c) of this section shall be fined
20 \$50.00 for each offense.

1 Sec. 5. 10 V.S.A. § 4701 is amended to read:

2 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL
3 DAY; DOGS

4 (a) Unless otherwise provided by statute, a person shall not take game
5 except with:

6 (1) a gun fired at arm's length;

7 (2) a bow and arrow; or

8 (3) a crossbow as authorized by the rules of the Board.

9 (b) A person shall not take game between one-half hour after sunset and
10 one-half hour before sunrise unless otherwise provided by statute or by the
11 rules of the Board.

12 (c) A person may take game and fur-bearing animals during the open
13 season therefor, with the aid of a dog, unless otherwise prohibited by statute or
14 by the rules of the Board.

15 (d) A person taking game with a gun may possess, carry, or use a gun
16 suppressor in the act of taking game.

17 Sec. 6. 10 V.S.A. § 4704 is amended to read:

18 § 4704. USE OF MACHINE GUNS; AND AUTOLOADING RIFLES; ~~AND~~
19 ~~GUN SUPPRESSORS~~

20 (a) A person engaged in hunting for wild animals shall not use, carry, or
21 have in ~~his or her~~ the person's possession:

- 1 (1) a machine gun of any kind or description; or
2 (2) an autoloading rifle with a magazine capacity of over six cartridges,
3 except a .22 caliber rifle using rim fire cartridges; ~~or~~
4 ~~(3) a gun suppressor.~~

5 (b) ~~As used in this section, “gun suppressor” means any device for~~
6 ~~silencing, muffling, or diminishing the report of a portable firearm, including~~
7 ~~any combination of parts, designed or redesigned, and intended for use in~~
8 ~~assembling or fabricating a gun suppressor, and any part intended only for use~~
9 ~~in such assembly or fabrication. [Repealed.]~~

10 Sec. 7. 10 V.S.A. § 4001 is amended to read:

11 § 4001. DEFINITIONS

12 Words and phrases used in this part, unless otherwise provided, shall be
13 construed to mean as follows:

14 * * *

15 (9) Game: game birds or game quadrupeds, or both.

16 (10) Game birds: quail, partridge, woodcock, pheasant, plover of any
17 kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild
18 geese, and wild turkey.

19 * * *

1 (15) Wild animals or wildlife: all animals, including birds, fish,
2 amphibians, and reptiles, other than domestic animals, domestic fowl, or
3 domestic pets.

4 * * *

5 (23) Take and taking: pursuing, shooting, hunting, killing, capturing,
6 trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts,
7 such as disturbing, harrying, worrying, or wounding or placing, setting,
8 drawing, or using any net or other device commonly used to take fish or wild
9 animals, whether they result in the taking or not; and shall include every
10 attempt to take and every act of assistance to every other person in taking or
11 attempting to take fish or wild animals, provided that when taking is allowed
12 by law, reference is had to taking by lawful means and in a lawful manner.

13 * * *

14 (41) Gun suppressor: any device for silencing, muffling, or diminishing
15 the report of a portable firearm, including any combination of parts, designed
16 or redesigned, and intended for use in assembling or fabricating a gun
17 suppressor, and any part intended only for use in such assembly or fabrication.

18 Sec. 8. 13 V.S.A. § 4010(c) is amended to read:

19 (c) A person shall not use a gun suppressor in the State, except for use by:

20 * * *

1 (3) a licensed manufacturer or a licensed importer, as defined in
2 18 U.S.C. § 921, who is also registered as a manufacturer or an importer
3 pursuant to 26 U.S.C. § 5802, who in the ordinary course of the manufacturer’s
4 or importer’s business as a manufacturer or as an importer tests the operation
5 of the gun suppressor; or

6 (4) a person lawfully using a sport shooting range; ~~or~~

7 ~~(5) a person taking game as authorized under 10 V.S.A. § 4701.~~

8 Sec. 9. 10 V.S.A. § 4701(d) is amended to read:

9 (d) ~~A person taking game with a gun may possess, carry, or use a gun~~
10 ~~suppressor in the act of taking game.~~ [Repealed.]

11 Sec. 10. 10 V.S.A. § 4704 is amended to read:

12 § 4704. USE OF MACHINE GUNS ~~AND~~, AUTOLOADING RIFLES, AND
13 GUN SUPPRESSORS

14 ~~(a)~~ A person engaged in hunting for wild animals shall not use, carry, or
15 have in the person’s possession:

16 (1) a machine gun of any kind or description; ~~or~~

17 (2) an autoloading rifle with a magazine capacity of over six cartridges,
18 except a .22 caliber rifle using rim fire cartridges; or

19 (3) a gun suppressor.

1 Sec. 11. EFFECTIVE DATES

2 (a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect
3 on passage.

4 (b) Secs. 2 (moratorium on hunting coyote with aid of dogs) and 4–7 (gun
5 suppressors) shall take effect on July 1, 2022.

6 (c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid
7 of dogs) shall take effect on the effective date of the Fish and Wildlife Board
8 rules required under Sec. 3 of this act.

9 (d) Secs. 8–10 (repeal of authority to use gun suppressors while hunting)
10 shall take effect on July 1, 2024.