

# Vermont Federation of Sportsman's Clubs

Chris Bradley – President & Executive Director

**Testimony on S.30 – Senate Judiciary**

2/3/2022

Sec. 1 13 VSA §4023

Sec. 2 13 VSA §4019

Sec. 3 13 VSA §4057

Sec. 4 13 VSA §4062

Sec. 5 13 VSA §4021

Sec. 6 15 VSA §1104

# Items to Discuss

- Sec. 1 13 VSA §4023 - **Cannot Support** - No further discussion
  - 13 VSA 3705 works better at several levels; but the majority has spoken.
- Sec. 2 13 VSA §4019 – **Cannot Support** - Discussion follows
  - Current process works - we hold that the bill as amended by the House now will make an endless NCIS loop
- Sec. 3 13 VSA §4057 – **Strong Concern**
  - This apparently aligns w/HIPPA; will this become a hurdle when people need to seek help?
  - Does this need further vetting with the Committee on Health Care? Can Anne Donahue speak?
- Sec. 4 13 VSA §4062 - **Support**
  - If not already requested, could the report include number of times firearms are involved?
- Sec. 5 13 VSA §4021 - **Support**
  - Thank you for this consideration; this was requested by the VTFSC for the VSRPA
- Sec. 6 15 VSA §1104 – **Cannot Support** - Discussion follows
  - We have **MAJOR** issues with this section.

## Sec. 2 – 13 VSA §4019 – Cannot Support

- We hold that the bill as amended by the House will now make an endless NCIS loop cycle
- The Committee deserves to hear the testimony of Henry Parro
- Major problem is people with same names
  - Security Background Credentials can cause problems

# Sec. 6 15 VSA §1104 – **Cannot Support**

- DUE PROCESS BY FEDERAL LAW
  - To have Due Process, the defendant must be present or have representation in court
  - Per Federal Law the Defendant can only be ordered not to **POSSESS** in a Temp RFA
  - Most Temporary RFAs occur Ex Parte
- DUE PROCESS FOR THIS BILL
  - 15 VSA § 1104 REQUIRES Vetting it is on the SJ Schedule
  - Public Hearing?
- GERMANE?
  - Every other section relates to Title 13 and relate to Firearms; this is Title 15
  - **The words “firearm”, “weapon”, “confiscate” and “relinquish” never appear in Title 15, Chapter 21, Abuse Prevention**

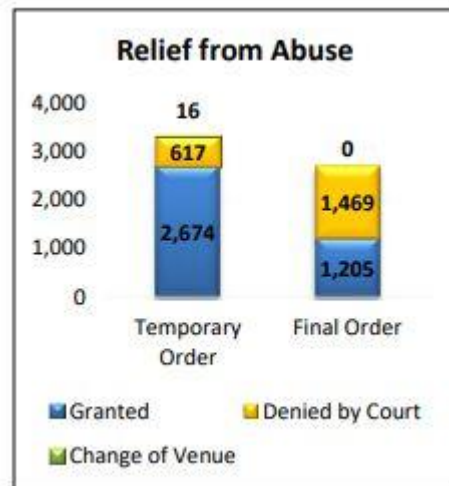
# Sec. 6 15 VSA §1104 – **Cannot Support** - continued

It has been stated that some judges are apparently ordering the relinquishment of firearms today under 15 VSA § 1104. How is this legally possible?

- Statute is SPECIFIC
  - [15 VSA § 1103](#) – Requests For Relief (Final RFA Handling)
    - (c)(1): *“The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds...”*
    - This ***clearly*** allows for Firearm Relinquishment/Confiscation
  - [15 VSA § 1104](#) – Emergency Relief (Temporary RFA Handling)
    - (1)(A): “...refrain from abusing the plaintiff or his or her children, or both...”
    - (1)(B): “...refrain from interfering with the plaintiff’s personal liberty...”
    - (1)(C): “...refrain from coming within a fixed distance...”
    - (1)(D): “...refrain from contacting the plaintiff...”
    - (2): “...may order the defendant to vacate immediately the household...”

# Sec. 6 15 VSA §1104 – **Cannot Support** - continued

2019 Data – Vermont Judiciary annual Statistical Report



- 3,307 Temporary RFAs filed
  - 16 Change of Venue (0.5%)
  - 617 Immediately Denied (19%)
  - 2,674 Temporary RFAs Granted (81%)
- Of 2,674 Temporary RFAs Granted
  - 1,469 Denied (55%)
  - 1,205 Final Order Granted (45%)

*Not all of those 1,469 individuals may own firearms, but for those that did, will they lose them?*