

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 4
3 entitled “An act relating to a 48-hour waiting period for firearms transfers”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 4023 is added to read:

8 § 4023. POSSESSION OF FIREARMS IN HOSPITAL BUILDINGS

9 PROHIBITED

10 (a) A person shall not knowingly possess a firearm while within a hospital
11 building.

12 (b) A person who violates this section shall be fined not more than
13 \$250.00.

14 (c) This section shall not apply to a firearm possessed by a federal law
15 enforcement officer or a law enforcement officer certified as a law
16 enforcement officer by the Vermont Criminal Justice Training Council
17 pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes.

18 (d) Notice of the provisions of this section shall be posted conspicuously at
19 each public entrance to each hospital.

1 (A) the proposed transferor and the proposed transferee physically
2 appear together with the firearm before a licensed dealer and request that the
3 licensed dealer facilitate the transfer; and

4 (B) the licensed dealer agrees to facilitate the transfer.

5 (2) A person shall not, in connection with the transfer or attempted
6 transfer of a firearm pursuant to this section, knowingly make a false statement
7 or exhibit a false identification intended to deceive a licensed dealer with
8 respect to any fact material to the transfer.

9 * * *

10 (d) A person shall not transfer a firearm to another person if:

11 (1) the transfer requires a background check under this section or under
12 federal law; and

13 (2) the licensed dealer facilitating the transfer has not been provided
14 with a unique identification number for the transfer by the National Instant
15 Criminal Background Check System, provided that if the identification number
16 has not been provided within seven business days, then the transfer may
17 proceed.

18 ~~(d)~~(e)(1) An unlicensed person who transfers a firearm to another
19 unlicensed person in violation of subdivision (b)(1) of this section shall be
20 imprisoned not more than one year or fined not more than \$500.00, or both.

1 (2) A person who violates subdivision (b)(2) or subsection (d) of this
2 section shall be imprisoned not more than one year or fined not more than
3 \$500.00, or both.

4 ~~(e)~~(f) This section shall not apply to:

5 (1) the transfer of a firearm by or to a law enforcement agency;

6 (2) the transfer of a firearm by or to a law enforcement officer or
7 member of the U.S. Armed Forces acting within the course of ~~his or her~~ the
8 officer's or the U.S. Armed Forces member's official duties;

9 (3) the transfer of a firearm from one immediate family member to
10 another immediate family member; or

11 (4) a person who transfers the firearm to another person in order to
12 prevent imminent harm to any person, provided that this subdivision shall only
13 apply while the risk of imminent harm exists.

14 ~~(f)~~(g) A licensed dealer who facilitates a firearm transfer pursuant to this
15 section shall be immune from any civil or criminal liability for any actions
16 taken or omissions made when facilitating the transfer in reliance on the
17 provisions of this section. This subsection shall not apply to reckless or
18 intentional misconduct by a licensed dealer.

1 Sec. 3. 13 V.S.A. § 4057 is amended to read:

2 § 4057. PROCEDURE

3 (a) Except as otherwise specified, proceedings commenced under this
4 subchapter shall be in accordance with the Vermont Rules for Family
5 Proceedings and shall be in addition to any other available civil or criminal
6 remedies.

7 * * *

8 (d)(1) For purposes of a petition filed pursuant to this subchapter, a health
9 care provider may notify a law enforcement officer when the provider believes
10 in good faith that disclosure of the information is necessary to prevent or lessen
11 a serious and imminent threat to the health or safety of a person or the public.

12 (2) As used in this subsection:

13 (A) “Health care provider” has the same meaning as in 18 V.S.A.
14 § 9402.

15 (B) “Necessary to prevent or lessen a serious and imminent threat to
16 the health or safety of a person or the public” includes circumstances when the
17 health care provider reasonably believes that the patient poses an extreme risk
18 of causing harm to themselves or another person by purchasing, possessing, or
19 receiving a dangerous weapon or by having a dangerous weapon within the
20 patient’s custody or control.

1 Sec. 4. 13 V.S.A. § 4062 is added to read:

2 § 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR
3 AND AGENCY OF HUMAN SERVICES

4 (a) On or before September 1, 2022 and annually thereafter, the Court
5 Administrator, with the assistance of the Agency of Human Services, shall
6 report data on the use of extreme risk protection orders during the previous
7 year to the Senate and House Committees on Judiciary.

8 (b) The reports required by this section shall include the following data for
9 the previous year:

10 (1) the number of extreme risk protection order petitions filed and the
11 number of orders issued;

12 (2) geographical data indicating the county where the petition was filed;
13 and

14 (3) follow-up information describing whether the order was renewed or
15 terminated pursuant to section 4055 of this title and whether the subject of the
16 order was charged with violating it under section 4058 of this title.

17 (c) The Agency of Human Services shall include in the reports required by
18 this section an analysis of the impact of extreme risk prevention orders on
19 Vermont suicide rates, including any relevant data relied on or utilized by the
20 Agency for purposes of providing the information required by 2017 Acts and
21 Resolves No. 34, An act relating to evaluation of suicide profiles.

1 Sec. 5. 13 V.S.A. § 4021 is amended to read:

2 § 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

3 (a) A person shall not manufacture, possess, transfer, offer for sale,
4 purchase, or receive or import into this State a large capacity ammunition
5 feeding device. As used in this subsection, “import” ~~shall~~ does not include the
6 transportation back into this State of a large capacity ammunition feeding
7 device by the same person who transported the device out of State if the person
8 possessed the device on or before the effective date of this section.

9 * * *

10 (d)(1) This section shall not apply to any large capacity ammunition
11 feeding device:

12 * * *

13 (F) transported by a resident of another state into this State for the
14 exclusive purpose of use in an organized shooting competition sponsored by an
15 entity registered with the Secretary of State if the device is lawfully possessed
16 under the laws of another state.

17 * * *

18 Sec. 6. 15 V.S.A. § 1104 is amended to read:

19 § 1104. EMERGENCY RELIEF

20 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
21 orders under this chapter may be issued ex parte, without notice to the

1 defendant, upon motion and findings by the court that the defendant has abused
2 the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an
3 affidavit in support of the order. A minor 16 years of age or older, or a minor
4 of any age who is in a dating relationship as defined in subdivision 1101(2) of
5 this chapter, may seek relief on ~~his or her~~ the minor's own behalf. Relief under
6 this section shall be limited as follows:

7 (1) Upon a finding that there is an immediate danger of further abuse, an
8 order may be granted requiring the defendant:

9 (A) to refrain from abusing the plaintiff or ~~his or her~~ the plaintiff's
10 children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or
11 352a or killing any animal owned, possessed, leased, kept, or held as a pet by
12 either party or by a minor child residing in the household;

13 (B) to refrain from interfering with the plaintiff's personal liberty or
14 the personal liberty of the plaintiff's children, or both;

15 (C) to refrain from coming within a fixed distance of the plaintiff, the
16 plaintiff's children, the plaintiff's residence, or the plaintiff's place of
17 employment; ~~and~~

18 (D) to refrain from contacting the plaintiff or the plaintiff's children,
19 or both, in any way, whether directly, indirectly, or through a third party, with
20 the purpose of making contact with the plaintiff, including in writing or by
21 telephone, e-mail, or other electronic communication; or

