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H.743

Introduced by Representatives Brennan of Colchester, Branagan of Georgia,
Canfield of Fair Haven, Clifford of Rutland City, Demar of
Enosburgh, Graham of Williamstown, Hango of Berkshire,
Labor of Morgan, Morgan of Milton, Oliver of Sheldon, Page
of Newport City, Parsons of Newbury, Shaw of Pittsford, Smith
of Derby, Taylor of Milton, Walker of Swanton, and Williams
of Granby

Referred to Committee on

Date:

Subject: Firearms; waiting period; exemptions

Statement of purpose of bill as introduced: This bill proposes to establish an
exemption from the 72-hour waiting period for firearm transfers for a person
who already owns a firearm if the person provides the firearms dealer with
(1) a firearm and its bill of sale, or (2) a proof of firearms ownership card
issued by the Department of Public Safety. The bill establishes a program that
permits a person to obtain a proof of firearms ownership card from the
Department of Public Safety.

An act relating to an exemption to the firearms transfer waiting period for
persons who already own firearms

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

2 Sec. 1. 13 V.S.A. § 4019a is amended to read:

3 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

4 (a) A person shall not transfer a firearm to another person until 72 hours
5 after the licensed dealer facilitating the transfer is provided with a unique
6 identification number for the transfer by the National Instant Criminal
7 Background Check System (NICS) or seven business days have elapsed since
8 the dealer contacted NICS to initiate the background check, whichever occurs
9 first.

10 (b) A person who transfers a firearm to another person in violation of
11 subsection (a) of this section shall be imprisoned not more than one year or
12 fined not more than \$500.00, or both.

13 (c) This section shall not apply to a firearm transfer that does not require a
14 background check under 18 U.S.C. § 922(t) or section 4019 of this title.

15 (d) As used in this section, “firearm” has the same meaning as in
16 subsection 4017(d) of this title.

17 (e)(1) This section shall not apply to a firearms transfer at a gun show.

18 (2) As used in this subsection, “gun show” means a function sponsored
19 by:

20 (A) a national, state, or local organization, devoted to the collection,
21 competitive use, or other sporting use of firearms; or

1 (B) an organization or association that sponsors functions devoted to
2 the collection, competitive use, or other sporting use of firearms in the
3 community.

4 (3) This subsection shall be repealed on July 1, 2024.

5 (f) This section shall not apply to a firearm transfer if the proposed
6 transferee provides the firearms dealer facilitating the transfer with:

7 (1) a firearm and a bill of sale for the transfer of the firearm to the
8 person; or

9 (2) a proof of firearms ownership card issued by the Department of
10 Public Safety pursuant to 20 V.S.A. chapter 147.

11 Sec. 2. 20 V.S.A. chapter 147 is added to read:

12 CHAPTER 147. PROOF OF FIREARMS OWNERSHIP CARD

13 § 2311. FIREARMS OWNERSHIP CARD AUTHORITY

14 The Department of Public Safety shall have authority to issue a proof of
15 firearms ownership card consistent with the requirements of this chapter.

16 § 2312. APPLICATION PROCEDURE; ISSUANCE

17 (a) A person may apply to the Department for a proof of firearms
18 ownership card on a form approved by the Department. The application shall
19 include:

20 (1) a full physical description of the applicant; and

1 (2) a form approved by the Commissioner that, upon the licensee's
2 execution of the form subject to the pains and penalties of perjury, documents
3 that the licensee owns a firearm.

4 (b) Within 90 days after an application for a proof of firearms ownership
5 card is filed, the Department shall:

6 (1) approve the application and issue a proof of firearms ownership
7 card;

8 (2) issue a temporary eligibility certificate, which shall be valid until the
9 Department approves or denies the application; or

10 (3) deny the application and notify the applicant in writing of the reason
11 for the denial.

12 (c) The Department shall issue a proof of firearms ownership card to an
13 applicant unless it determines that the applicant:

14 (1) is prohibited from possessing a firearm under 13 V.S.A. § 4017,
15 18 U.S.C. § 922, or any other provision of State or federal law;

16 (2) is the subject of an extreme risk protection order issued pursuant to
17 13 V.S.A. § 4053;

18 (3) is the subject of a final relief from abuse order issued pursuant to
19 15 V.S.A. § 1104; or

20 (4) is the subject of a final order against stalking issued pursuant to
21 12 V.S.A. § 5133.

1 (d) A proof of firearms ownership card issued under this section shall be
2 signed by the license holder and shall include:

3 (1) an identification number;

4 (2) the name, address, place and date of birth, height, weight, and eye
5 color of the license holder; and

6 (3) a full-face photograph of the license holder.

7 (e) A person holding a proof of firearms ownership card issued under this
8 section shall notify the Department within two business days of any change in
9 the person's address. The notification shall include the person's old and new
10 address.

11 § 2313. LICENSE FEE

12 The Department shall collect a fee of \$25.00 from each applicant for a proof
13 of firearms ownership card issued pursuant to section 2312 of this title. Fees
14 collected pursuant to this section shall be deposited in the General Fund and
15 appropriated to the Department for purposes of supporting the firearms
16 ownership card program established by this chapter.

17 § 2314. REVOCATION

18 (a) The Department shall revoke a proof of firearms ownership card issued
19 under subsection 2312(b) of this title upon the occurrence of any event that
20 would have disqualified the holder from being issued the license under

1 subsection 2312(c) of this title. The Department shall immediately provide
2 written notice of the revocation to the license holder.

3 (b) A license holder who fails to return the holder's license after receiving
4 written notice of the license's revocation from the Department shall be fined
5 not more than \$500.00.

6 § 2315. DEFINITIONS

7 As used in this chapter:

8 (1) "Department" means the Department of Public Safety.

9 (2) "Firearm" has the same meaning as in 13 V.S.A. § 4017(d).

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.