

1

S.209

2 An act relating to prohibiting unserialized firearms and unserialized
3 firearms frames and receivers

4 The Senate concurs in the House proposal of amendment with the following
5 proposal of amendment thereto:

6 Sec. 1. 13 V.S.A. chapter 85 is amended to read:

7 CHAPTER 85. WEAPONS

8 * * *

9 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

10 § 4081. SHORT TITLE

11 This subchapter shall be known as the “Vermont Ghost Guns Act.”

12 § 4082. DEFINITIONS

13 As used in this subchapter:

14 (1) “Federal firearms licensee” means a federally licensed firearm
15 dealer, federally licensed firearm importer, and federally licensed firearm
16 manufacturer.

17 (2) “Federally licensed firearm dealer” means a licensed dealer as
18 defined in 18 U.S.C. § 921(a)(11).

19 (3) “Federally licensed firearm importer” means a licensed importer as
20 defined in 18 U.S.C. § 921(a)(9).

1 (4) “Federally licensed firearm manufacturer” means a licensed
2 manufacturer as defined in 18 U.S.C. § 921(a)(10).

3 (5) “Fire control component” means a component necessary for the
4 firearm to initiate, complete, or continue the firing sequence, including any of
5 the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger
6 mechanism, firing pin, striker, or slide rails.

7 (6) “Frame or receiver of a firearm” means a part of a firearm that, when
8 the complete firearm is assembled, is visible from the exterior and provides
9 housing or a structure designed to hold or integrate one or more fire control
10 components, even if pins or other attachments are required to connect the fire
11 control components. Any part of a firearm imprinted with a serial number is
12 presumed to be a frame or receiver of a firearm unless the Federal Bureau of
13 Alcohol, Tobacco, Firearms and Explosives makes an official determination
14 otherwise or there is other reliable evidence to the contrary.

15 (7) “Three-dimensional printer” means a computer-aided manufacturing
16 device capable of producing a three-dimensional object from a three-
17 dimensional digital model through an additive manufacturing process that
18 involves the layering of two-dimensional cross sections formed of a resin or
19 similar material that are fused together to form a three-dimensional object.

1 (8) “Unfinished frame or receiver” means any forging, casting, printing,
2 extrusion, machined body, or similar article that has reached a stage in
3 manufacture when it may readily be completed, assembled, or converted to be
4 used as the frame or receiver of a functional firearm or that is marketed or sold
5 to the public to become or be used as the frame or receiver of a functional
6 firearm once completed, assembled, or converted.

7 (9) “Violent crime” has the same meaning as in section 4017 of this
8 title.

9 § 4083. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED
10 FIREARMS, FRAMES, AND RECEIVERS

11 (a)(1) A person shall not knowingly possess an unfinished frame or
12 receiver unless the unfinished frame or receiver has been imprinted with a
13 serial number by a federal firearms licensee pursuant to federal law or section
14 4084 of this title.

15 (2) A person shall not knowingly transfer or offer to transfer an
16 unfinished frame or receiver unless the unfinished frame or receiver has been
17 imprinted with a serial number by a federal firearms licensee pursuant to
18 federal law or section 4084 of this title.

19 (3) This subsection shall not apply to:

1 (A) a federal firearms licensee acting within the scope of the
2 licensee's license;

3 (B) possession or transfer of an unfinished frame or receiver for the
4 purpose of having it imprinted with a serial number pursuant to federal law or
5 section 4084 of this title; or

6 (C) an unfinished frame or receiver transferred to or possessed by a
7 law enforcement officer for legitimate law enforcement purposes.

8 (b)(1) A person shall not knowingly possess a firearm or frame or receiver
9 of a firearm that is not imprinted with a serial number by a federal firearms
10 licensee pursuant to federal law or section 4084 of this title.

11 (2) A person shall not knowingly transfer or offer to transfer a firearm or
12 frame or receiver of a firearm that is not imprinted with a serial number by a
13 federal firearms licensee pursuant to federal law or section 4084 of this title.

14 (3) This subsection shall not apply to:

15 (A) a federal firearms licensee acting within the scope of the
16 licensee's license;

17 (B) possession or transfer of a firearm or frame or receiver of a
18 firearm for the purpose of having it imprinted with a serial number pursuant to
19 federal law or section 4084 of this title;

1 (C) an unserialized frame or receiver transferred to or possessed by a
2 law enforcement officer for legitimate law enforcement purposes;

3 (D) an antique firearm as defined in subsection 4017(d) of this title;

4 (E) a firearm that has been rendered permanently inoperable; or

5 (F) a firearm that was manufactured before 1968.

6 (c)(1) A person who manufactures a firearm or frame or receiver of a
7 firearm, including by a three-dimensional printer, shall cause the firearm,
8 frame, or receiver to be imprinted with a serial number by a federal firearms
9 licensee pursuant to federal law or section 4084 of this title.

10 (2) This subsection shall not apply to:

11 (A) a federally licensed firearms manufacturer acting within the
12 scope of the manufacturer's license; or

13 (B) possession or transfer of a firearm or frame or receiver of a
14 firearm for the purpose of having it imprinted with a serial number pursuant to
15 federal law or section 4084 of this title.

16 (d)(1) A person who violates subdivision (a)(1) or (b)(1) of this section
17 shall be:

18 (A) for a first offense, assessed a civil penalty of not more than
19 \$50.00;

1 (B) for a second offense, imprisoned for not more than two years or
2 fined not more than \$1,000.00, or both; and

3 (C) for a third or subsequent offense, imprisoned for not more than
4 three years or fined not more than \$2,000.00, or both.

5 (2) A person who violates subdivision (a)(2), (b)(2), or (c)(1) of this
6 section shall be:

7 (A) for a first offense, imprisoned for not more than one year or fined
8 not more than \$500.00, or both;

9 (B) for a second offense, imprisoned for not more than two years or
10 fined not more than \$1,000.00, or both; and

11 (C) for a third or subsequent offense, imprisoned for not more than
12 three years or fined not more than \$2,000.00, or both.

13 (3) A person who uses an unserialized firearm while committing a
14 violent crime or while committing reckless endangerment in violation of
15 section 1025 of this title shall be imprisoned for not more than five years or
16 fined not more than \$5,000.00, or both.

17 § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
18 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

19 (a) A federal firearms licensee may imprint a serial number on an
20 unserialized firearm or frame or receiver of a firearm pursuant to this section.

1 (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall
2 be imprinted with a serial number that begins with the licensee's abbreviated
3 federal firearms license number, which is the first three and last five digits of
4 the license number, and is followed by a hyphen that precedes a unique
5 identification number. The serial number shall not be duplicated on any other
6 firearm, frame, or receiver serialized by the licensee and shall be imprinted in a
7 manner that complies with the requirements under federal law for affixing
8 serial numbers to firearms, including that the serial number be at the minimum
9 size and depth and not susceptible to being readily obliterated, altered, or
10 removed.

11 (2) A licensee who serializes a firearm, frame, or receiver pursuant to
12 this section shall make and retain records of the serialization that comply with
13 the requirements under federal law for the sale of a firearm. In addition to any
14 record required by federal law, the record shall include the date, name, age,
15 and residence of any person to whom the item is transferred and the unique
16 serial number imprinted on the firearm, frame, or receiver.

17 (3) A licensee shall not be deemed a firearms manufacturer solely for
18 serializing a firearm, frame, or receiver pursuant to this section.

19 (c) Returning a firearm, frame, or receiver to a person after it has been
20 serialized pursuant to federal law or this section constitutes a transfer that

1 requires a background check of the transferee. A federal licensee who
2 serializes a firearm, frame, or receiver pursuant to this section shall conduct a
3 background check on the transferee pursuant to subsection 4019(c) of this title,
4 provided that if the transfer is denied, the licensee shall deliver the firearm,
5 frame, or receiver to a law enforcement agency for disposition. The agency
6 shall provide the licensee with a receipt on agency letterhead for the firearm,
7 frame, or receiver.

8 (d) A licensee who violates subsection (b) or (c) of this section shall:

9 (1) for a first offense, be fined not more than \$2,500.00; and

10 (2) for a second or subsequent offense, be imprisoned for not more than
11 one year or fined not more than \$2,500.00, or both.

12 Sec. 2. 4 V.S.A. § 1102 is amended to read:

13 § 1102. JUDICIAL BUREAU; JURISDICTION

14 * * *

15 (33) Violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to a first
16 offense of possessing a firearm, frame or receiver of a firearm, or unfinished
17 frame or receiver of a firearm that is not imprinted with a serial number.

18 * * *

1 Sec. 3. 13 V.S.A. § 4019a is amended to read:

2 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

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

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

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

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

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

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

19 (A) a national, state, or local organization, devoted to the collection,
20 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 the return of a firearm, frame, or receiver
6 to a person by a licensed dealer after the dealer has serialized it pursuant to
7 federal law or section 4084 of this title if the dealer returns the firearm, frame,
8 or receiver to the same person from whom it was received.

9 Sec. 4. 13 V.S.A. § 4027 is added to read:

10 § 4027. POLLING PLACES; FIREARMS PROHIBITED

11 (a)(1) A person shall not knowingly possess a firearm at a polling place or
12 on the walks leading to a building in which a polling place is located on an
13 election day.

14 (2) The provisions of subdivision (1) of this subsection shall apply to the
15 town clerk's office during any period when a board of civil authority has voted
16 to permit early voting pursuant to 17 V.S.A. § 2546b(a)(1).

17 (b) A person who violates this section shall be imprisoned not more than
18 one year or fined not more than \$1,000.00, or both.

19 (c) This section shall not apply to:

1 (1) a firearm carried for legitimate law enforcement purposes by a
2 federal law enforcement officer or a law enforcement officer certified as a law
3 enforcement officer by the Vermont Criminal Justice Council pursuant to
4 20 V.S.A. § 2358;

5 (2) a firearm carried by a person while performing the person’s official
6 duties as an employee of the United States; a department or agency of the
7 United States; a state; or a department, agency, or political subdivision of a
8 state if the person is authorized to carry a firearm as part of the person’s
9 official duties; or

10 (3) a firearm stored in a motor vehicle.

11 (d) Notice of the provisions of this section shall be posted conspicuously at
12 each public entrance to each polling place.

13 (e) As used in this section:

14 (1) “Firearm” has the same meaning as in section 4017 of this title.

15 (2) “Polling place” means a place that a municipality has designated to
16 the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

17 Sec. 5. 17 V.S.A. § 2510 is added to read:

18 § 2510. POLLING PLACES; FIREARMS PROHIBITED

1 (a)(1) A person shall not knowingly possess a firearm at a polling place or
2 on the walks leading to a building in which a polling place is located on an
3 election day.

4 (2) The provisions of subdivision (1) of this subsection shall apply to the
5 town clerk's office during any period when a board of civil authority has voted
6 to permit early voting pursuant to subdivision 2546b(a)(1) of this title.

7 (b) This section shall not apply to:

8 (1) a firearm carried for legitimate law enforcement purposes by a
9 federal law enforcement officer or a law enforcement officer certified as a law
10 enforcement officer by the Vermont Criminal Justice Council pursuant to
11 20 V.S.A. § 2358;

12 (2) a firearm carried by a person while performing the person's official
13 duties as an employee of the United States; a department or agency of the
14 United States; a state; or a department, agency, or political subdivision of a
15 state if the person is authorized to carry a firearm as part of the person's
16 official duties; or

17 (3) a firearm stored in a motor vehicle.

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

20 (d) As used in this section:

1 (1) “Firearm” has the same meaning as in section 13 V.S.A. § 4017.

2 (2) “Polling place” means a place that a municipality has designated to
3 the Secretary of State as a polling place pursuant to subsection 2502(f) of this
4 title.

5 Sec. 6. REPORT; VERMONT CRIME RESEARCH GROUP

6 On or before January 1, 2026, the Vermont Statistical Analysis Center
7 (SAC) shall report data on prosecutions under Sec. 1 of this act to the House
8 and Senate Committees on Judiciary. The report shall include:

9 (1) the number of civil violations filed and adjudications obtained for
10 violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to possessing a firearm,
11 frame or receiver of a firearm, or unfinished frame or receiver of a firearm that
12 is not imprinted with a serial number;

13 (2) the number of criminal charges filed and convictions obtained for
14 violations of 13 V.S.A. § 4083(a)(2), (b)(2), or (c)(1) relating to transferring,
15 offering to transfer, or manufacturing a firearm, frame or receiver of a firearm,
16 or unfinished frame or receiver of a firearm that is not imprinted with a serial
17 number;

18 (3) the number of criminal charges filed and convictions obtained for
19 violations of 13 V.S.A. § 4083(d)(3) relating to carrying an unserialized

1 firearm while committing a violent crime or while committing reckless
2 endangerment; and

3 (4) the number of criminal charges filed and convictions obtained for
4 violations of 13 V.S.A. § 4084(b) or (c) relating to improper serialization or
5 handling of a firearm or frame or receiver of a firearm by a federal firearms
6 licensee.

7 Sec. 7. REPORT ON FIREARM IN MUNICIPAL BUILDINGS; VERMONT
8 LEAGUE OF CITIES AND TOWNS

9 (a) On or before January 15, 2025, the Office of the Secretary of State, in
10 consultation with the Vermont League of Cities and Towns, the Vermont
11 Municipal Clerks and Treasurers Association, the Commissioner of Buildings
12 and General Services, and the Sergeant at Arms, shall report to the House and
13 Senate Committees on Judiciary, the House Committee on Government
14 Operations and Military Affairs, and the Senate Committee on Government
15 Operations on options for prohibiting firearms in municipal and State
16 government buildings, including the Vermont State House.

17 (b) The report required by this section shall include recommendations on
18 the following topics:

19 (1) whether the preferable approach is:

1 (A) for the General Assembly to pass a statute prohibiting firearms in
2 municipal buildings statewide; or

3 (B) for municipalities to be provided with the authority to decide
4 whether to pass an ordinance prohibiting firearms in municipal buildings;

5 (2) whether a statewide prohibition should include a definition of the
6 term “municipal building,” and if so, what that definition should be; and

7 (3) which municipal buildings should be covered and which should not
8 be covered by a prohibition on possessing firearms in municipal buildings.

9 (c) As used in this section, “firearm” has the same meaning as in 13 V.S.A.
10 § 4017(d).

11 Sec. 8. EFFECTIVE DATES

12 (a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

13 (b) Secs. 3, 4, 5, 6, 7, and this section shall take effect on passage.