

1 S.212

2 Introduced by Senators Clarkson, Hardy, Campion, Gulick, Perchlik, Watson,

3 White and Wrenner

4 Referred to Committee on

5 Date:

6 Subject: Criminal procedures; firearms; open carry in public places

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the

8 open carry of firearms at polling places, political debates, and public

9 demonstrations.

10 An act relating to the open carry of firearms at polling places, political
11 debates, and public demonstrations

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

13 Sec. 1. PURPOSE

14 The purpose of this act is to deter the intimidation that occurs when firearms
15 are openly carried at polling places, public demonstrations, and political
16 debates. Open carry of firearms at these locations impedes freedom of speech
17 by causing persons to refrain from expressing their opinions due to fear of
18 violence. Open carry of firearms at polling places can deter citizens from even
19 wanting to vote, particularly in light of the charged political climate all citizens
20 are now facing. This act prohibits the open carry of firearms at polling places.

1 public demonstrations, and political debates in order to protect the freedoms of
2 speech and voting that are central to our democracy.

3 Sec. 2. 13 V.S.A. § 4027 is added to read:

4 § 4027. OPEN CARRY OF FIREARMS PROHIBITED; POLLING

5 PLACES, POLITICAL DEBATES, AND PUBLIC

6 DEMONSTRATIONS

7 (a) A person shall not openly carry a firearm at a polling place, political
8 debate, or public demonstration.

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

11 (c) This section shall not apply to:

12 (1) firearms carried for legitimate law enforcement purposes by a
13 federal law enforcement officer or a law enforcement officer certified as a law
14 enforcement officer by the Vermont Criminal Justice Council pursuant to 20
15 V.S.A. § 2358; or

16 (2) firearms carried by a person while performing the person's official
17 duties as an employee of the United States; a department or agency of the
18 United States; a state; or a department, agency, or political subdivision of a
19 state.

20 (d) This section shall not be construed to regulate the carrying or
21 transportation of firearms in motor vehicles.

1 (e) As used in this section:

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

3 (2) “Political debate” means a candidate debate staged pursuant to 11
4 C.F.R. § 110.13.

5 (3) “Public demonstration” means 25 or more persons gathered in a
6 public location and demonstrating, picketing, speechmaking, marching,
7 holding a vigil, or engaging in any other similar conduct that involves the
8 communication or expression of views or grievances and that has the effect,
9 intent, or propensity to attract a crowd of onlookers.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.