

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 230
3 entitled “An act relating to implementing mechanisms to reduce suicide”
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. FINDINGS

8 The General Assembly finds:

9 (1) More than 700 Vermont residents died of gunshot wounds in the
10 decade from 2011 to 2020. 88 percent of these deaths were suicide.

11 (2) Of all the deaths in Vermont involving firearms in 2021, 89 percent
12 were by suicide and 8 percent were by homicide.

13 (3) The 2021 suicide rate by all methods in Vermont was 20.3 per
14 100,000 persons, compared to a national rate of 14.0 per 100,00 persons.
15 Suicide among Vermont men and boys is 50 percent higher than the national
16 average.

17 (4) In 2021, the number of suicides in Vermont was 142, with 83 of
18 them committed by firearm, or 58 percent.

19 (5) Rand Corporation research estimates that in 2016, firearms were
20 present in 47 percent of Vermont homes and in 32 percent of homes in the
21 United States.

1 (6) Children are 4.4 times more likely to die by suicide in a home with a
2 firearm compared to a home without a firearm.

3 (7) Persons at greatest risk of suicide in Vermont are men, persons
4 living in rural areas, persons with a disability, veterans, and members of the
5 LGBTQ+ community.

6 Sec. 2. LEGISLATIVE PURPOSE

7 The purpose of this legislation is to prevent death by suicide by reducing
8 access to lethal means of firearms. Although there are many other methods for
9 committing suicide, firearms are unique in their ability to create instantaneous
10 and irreversible outcomes. Nearly every other commonly used method for
11 suicide has a high survivability rate. It is extremely rare for someone to
12 survive a suicide attempt in which a firearm is used. This fact, combined with
13 the high prevalence of firearms in Vermont, is why this method alone is being
14 addressed by this bill.

15 Sec. 3. 13 V.S.A. § 4024 is added to read:

16 § 4024. SECURE FIREARMS STORAGE

17 (a)(1) Prohibition. A person shall not store or keep a firearm within any
18 premises that are under the person's custody or control if the person knows or
19 reasonably should know that a child or prohibited person is likely to gain
20 access to the firearm unless the person stores or keeps the firearm:

21 (A) separate from ammunition; and

1 (B) in a locked container or equipped with a tamper-resistant
2 mechanical lock or other safety device, properly engaged so as to render the
3 firearm inoperable by any person other than the owner or authorized user.

4 (2) Exceptions. This subsection shall not apply if:

5 (A) the firearm is carried by or under the control of the owner or
6 another lawfully authorized user;

7 (B) a child or prohibited person accesses the firearm as a result of an
8 illegal entry; or

9 (C) a child or prohibited person accesses and uses the firearm during
10 the course of a lawful act of self-defense or defense of another person.

11 (b) Penalties. A person who violates subsection (a) of this section shall be:

12 (1) fined not more than \$100.00;

13 (2) imprisoned not more than one year or fined not more than \$1,000.00,
14 or both, if a child or prohibited person gains access to the firearm and uses it in
15 the commission of a crime or displays it in a threatening manner; or

16 (3) imprisoned not more than five years or fined not more than
17 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
18 and uses it to cause death or injury to any person.

19 (c) Charging discretion. If a person who allegedly violates this section is a
20 parent or guardian of a child who gains access to a firearm that is used in an
21 unintentional or self-inflicted shooting that causes death or injury to the child,

1 the impact of the child’s death or injury on the person who committed the
2 alleged violation shall be considered by the State’s Attorney when deciding
3 whether to file criminal charges in the case.

4 (d) Information distribution.

5 (1) At any location where a licensed dealer conducts firearm sales or
6 transfers, the licensed dealer shall conspicuously display a sign containing the
7 information required by subdivision (2) of this subsection in any area where
8 the sales or transfers occur. The sign shall be posted so that it can be easily
9 viewed by persons purchasing or receiving firearms, and the sign shall not be
10 removed, obscured, or rendered illegible. If the location where the sales or
11 transfers occur is the premises listed on the dealer’s federal firearms license, an
12 additional sign shall be placed at or near the entrance to the premises.

13 (2) The sign required by subdivision (1) of this subsection shall be at
14 least eight and one-half inches high by 11 inches wide and shall contain black
15 text at least half an inch high against a white background. The sign shall
16 contain the following text, and no other statements or markings:

17 “WARNING: Access to a firearm in the home significantly increases the
18 risk of suicide, death during domestic violence disputes, and the unintentional
19 death of children, household members, and others. If you or a loved one is
20 experiencing distress or depression, call the 988 Suicide and Crisis hotline or
21 text “VT” to 741741.

1 Vermont law requires gun owners to securely store their firearms
2 separately from ammunition in their homes and other premises under their
3 control if a child or person prohibited from purchasing or possessing firearms
4 is likely to gain access to them. Failure to securely store firearms as required
5 by law may result in criminal prosecution.

6 Posted pursuant to 13 V.S.A. § 4024.”

7 (e) Definitions. As used in this section:

8 (1) “Child” means a person under 18 years of age.

9 (2) “Firearm” has the same meaning as in subsection 4017(d) of this
10 title.

11 (3) “Injury” means a harmful effect on an individual’s health, including
12 the individual’s mental, emotional, or physical health, or a combination of
13 these.

14 (4) “Licensed dealer” means a person issued a license as a dealer in
15 firearms pursuant to 18 U.S.C. § 923(a).

16 (5) “Locked container” means a box, case, chest, locker, safe, or other
17 similar receptacle equipped with a tamper-resistant lock.

18 (6) “Prohibited person” means a person who is prohibited from
19 possessing a firearm by state or federal law or by court order.

1 Sec. 4. 13 V.S.A. § 4051 is amended to read:

2 § 4051. DEFINITIONS

3 As used in this subchapter:

4 * * *

5 (7) “Household member” has the same meaning as in 15 V.S.A. § 1101.

6 Sec. 5. 13 V.S.A. § 4052 is amended to read:

7 § 4052. JURISDICTION AND VENUE

8 * * *

9 (c) Proceedings under this chapter shall be commenced in the county where
10 the law enforcement agency is located, the county where the family or
11 household member or the respondent resides, or the county where the events
12 giving rise to the petition occur.

13 Sec. 6. 13 V.S.A. § 4053 is amended to read:

14 § 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

15 (a) A State’s Attorney ~~or~~ the Office of the Attorney General, or a family or
16 household member may file a petition requesting that the court issue an
17 extreme risk protection order prohibiting a person from purchasing, possessing,
18 or receiving a dangerous weapon or having a dangerous weapon within the
19 person’s custody or control. The petitioner shall submit an affidavit in support
20 of the petition.

21 * * *

1 Sec. 7. 13 V.S.A. § 4054 is amended to read:

2 § 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

3 (a)(1) A State’s Attorney ~~or~~ the Office of the Attorney General, or a family
4 or household member may file a motion requesting that the court issue an
5 extreme risk protection order ex parte, without notice to the respondent. A law
6 enforcement officer may notify the court that an ex parte extreme risk
7 protection order is being requested pursuant to this section, but the court shall
8 not issue the order until after the motion is submitted.

9 * * *

10 Sec. 8. 13 V.S.A. § 4055 is amended to read:

11 § 4055. TERMINATION AND RENEWAL MOTIONS

12 * * *

13 (b)(1) A State’s Attorney ~~or~~ the Office of the Attorney General, or a
14 family or household member may file a motion requesting that the court renew
15 an extreme risk protection order issued under this section or section 4053 of
16 this title for an additional period of up to six months. The motion shall be
17 accompanied by an affidavit and shall be filed not more than 30 days and not
18 less than 14 days before the expiration date of the order. The motion and
19 affidavit shall comply with the requirements of subsection 4053(c) of this title,
20 and the moving party shall have the burden of proof by clear and convincing
21 evidence.

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Sec. 9. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the completion of the background check required by 18 U.S.C. § 922(s) or section 4019 of this title.

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

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

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

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Representative _____
FOR THE COMMITTEE