

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 209
3 entitled “An act relating to prohibiting unserialized firearms and unserialized
4 firearms frames and receivers” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

9 CHAPTER 85. WEAPONS

10 * * *

11 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

12 § 4081. SHORT TITLE

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

14 § 4082. DEFINITIONS

15 As used in this subchapter:

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

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

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

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

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

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

17 (7) “Three-dimensional printer” means a computer-aided manufacturing
18 device capable of producing a three-dimensional object from a three-
19 dimensional digital model through an additive manufacturing process that
20 involves the layering of two-dimensional cross sections formed of a resin or
21 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:

20 (A) a federal firearms licensee acting within the scope of the
21 licensee’s license;

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

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

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

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

12 (3) This subsection shall not apply to:

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

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

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

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

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

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

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

6 (2) This subsection shall not apply to:

7 (A) a federally licensed firearms manufacturer acting within the
8 scope of the manufacturer’s license; or

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

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

14 (A) for a first offense, assessed a civil penalty of not more than
15 \$50.00;

16 (B) for a second offense, assessed a civil penalty of not more than
17 \$250.00; and

18 (C) for a third or subsequent offense, assessed a civil penalty of not
19 more than \$500.00.

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

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

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

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

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

11 § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
12 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

13 (a)(1) A federal firearms licensee may imprint a serial number on, or cause
14 a serial number to be imprinted on, an unserialized firearm or frame or receiver
15 of a firearm pursuant to this section.

16 (2) A licensee who causes a serial number to be imprinted on an
17 unserialized firearm or frame or receiver of a firearm pursuant to subdivision
18 (1) of this subsection shall:

19 (A) ensure that the firearm, frame, or receiver remains in the custody
20 and control of the licensee and is returned to the licensee immediately after it is
21 serialized; and

1 (B) otherwise comply with the requirements of this section.

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

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

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

1 (c) Returning a firearm, frame, or receiver to a person other than a licensee
2 after it has been serialized pursuant to federal law or this section constitutes a
3 transfer that requires a background check of the transferee. A federal licensee
4 who serializes or causes to be serialized a firearm, frame, or receiver pursuant
5 to this section shall conduct a background check on the transferee pursuant to
6 subsection 4019(c) of this title, provided that if the transfer is denied, the
7 licensee shall deliver the firearm, frame, or receiver to a law enforcement
8 agency for disposition. The agency shall provide the licensee with a receipt on
9 agency letterhead for the firearm, frame, or receiver.

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

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

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

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

15 § 1102. JUDICIAL BUREAU; JURISDICTION

16 * * *

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

20 * * *

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

1 § 4019A. FIREARMS TRANSFERS; WAITING PERIOD

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

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

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

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

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

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

18 (A) a national, state, or local organization, devoted to the collection,
19 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~~ July 1, 2025.

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; WEAPONS PROHIBITED

11 (a)(1) A person shall not knowingly possess a firearm or a dangerous or
12 deadly weapon at a polling place, or on the walks leading to a building in
13 which a polling place is located, on an 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:

20 (1) a firearm or a dangerous or deadly weapon carried for legitimate law
21 enforcement purposes by a federal law enforcement officer or a law

1 enforcement officer certified as a law enforcement officer by the Vermont
2 Criminal Justice Council pursuant to 20 V.S.A. § 2358;

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

8 (3) a firearm or a dangerous or deadly weapon stored in a motor vehicle.

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

11 (e) As used in this section:

12 (1) “Dangerous or deadly weapon” has the same meaning as in section
13 4016 of this title.

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

15 (3) “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; WEAPONS PROHIBITED

19 (a)(1) A person shall not knowingly possess a firearm or a dangerous or
20 deadly weapon at a polling place, or on the walks leading to a building in
21 which a polling place is located, on an election day.

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

4 (b) This section shall not apply to:

5 (1) a firearm or a dangerous or deadly weapon carried for legitimate law
6 enforcement purposes by a federal law enforcement officer or a law
7 enforcement officer certified as a law enforcement officer by the Vermont
8 Criminal Justice Council pursuant to 20 V.S.A. § 2358;

9 (2) a firearm or a dangerous or deadly weapon carried by a person while
10 performing the person’s official duties as an employee of the United States; a
11 department or agency of the United States; a state; or a department, agency, or
12 political subdivision of a state, if the person is authorized to carry a firearm as
13 part of the person’s official duties; or

14 (3) a firearm or a dangerous or deadly weapon stored in a motor vehicle.

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

17 (d) As used in this section:

18 (1) “Dangerous or deadly weapon” has the same meaning as in 13
19 V.S.A. § 4016.

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

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

4 Sec. 6. REPORT; VERMONT STATISTICAL ANALYSIS CENTER (SAC)

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

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

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

17 (3) the number of criminal charges filed and convictions obtained for
18 violations of 13 V.S.A. § 4083(d)(3) relating to carrying an unserialized
19 firearm while committing a violent crime, or while committing reckless
20 endangerment; and

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

5 Sec. 7. EFFECTIVE DATES

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

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

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11 (Committee vote: _____)

12

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Representative _____

14

FOR THE COMMITTEE