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H.230

Senator Sears proposes that House Bill No. 230 entitled “An act relating to implementing mechanisms to reduce suicide” be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

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

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

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

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

(5) Rand Corporation research estimates that in 2016, firearms were present in 47 percent of Vermont homes and in 32 percent of homes in the United States. According to 2023 data from the Vermont Department of Health, 44 percent of Vermont households store at least one firearm in or around the home.

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 (8) Extreme risk protection orders have proven successful in situations
7 where other protective orders, mental health proceedings, or criminal charges
8 could not address the risk presented. In fiscal year 2022, 18 extreme risk
9 protection order petitions were filed statewide. In at least five of these cases, a
10 temporary or final order was based on a finding that the respondent had
11 “threatened or attempted suicide or serious bodily harm.” ~~None of the~~
12 ~~respondents subject to an extreme risk prevention order are known to have died~~
13 ~~by suicide.~~

14 (9) Emphasis on the eight percent of firearm deaths by homicide in the
15 State of Vermont does not portray the full impact of Vermont firearms on
16 public safety. Firearms purchased in Vermont and transferred, lawfully or
17 unlawfully, out of state contribute to violent crime in other states, including
18 homicide. A report prepared by the Federal Bureau of Alcohol, Tobacco,
19 Firearms, and Explosives revealed that in 2016 there were 51 traces of firearms
20 involved in a homicide to the State of Vermont.

1 (10) The National Firearms Commerce and Trafficking Assessment
2 (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau
3 of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between
4 2017 and 2021, 6,333 firearms that were used in a crime were traced to
5 Vermont. Of the 1,903 firearms that could be traced to a known purchaser,
6 65 percent were recovered from someone other than the purchaser, and
7 64 percent were recovered outside the State of Vermont. Over 750 of these
8 firearms were recovered in our neighboring states of New York,
9 Massachusetts, and New Hampshire.

10 ~~(11) Vermont's existing laws are not successfully deterring straw~~
11 ~~purchases where an individual lawfully acquires and then unlawfully transfers a~~
12 ~~firearm to a prohibited person or someone unable to acquire a firearm in the~~
13 ~~State of Vermont. Waiting periods are among the policy options available to~~
14 ~~deter straw purchases and to allow greater opportunity for law enforcement~~
15 ~~detection and response to such attempts.~~

16 (12) Waiting period laws, which create a buffer between the time of
17 gun purchase and gun acquisition, can help to prevent impulsive acts of gun
18 violence. One study found that waiting period laws that delay the purchase of
19 firearms by a few days can reduce gun homicides by roughly 17 percent.

1 Sec. 2. LEGISLATIVE PURPOSE

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

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

12 § 4024. SECURE NEGLIGENT FIREARMS STORAGE

13 (a)(1) Prohibition. A person shall not who stores or keeps a loaded firearm
14 within any premises that are under the person's custody or control, store or
15 keep a firearm if the person and who knows or reasonably should know that a
16 child or prohibited person is likely to gain access to the firearm, unless the
17 person stores or keeps the firearm shall be:

18 (A) imprisoned not more than one year or fined not more than
19 \$1,000.00, or both, if a child or prohibited person gains access to the firearm
20 and uses it in the commission of a crime, or displays it in a threatening manner;
21 or

1 (B) imprisoned not more than five years or fined not more than
2 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
3 and uses it to cause death or serious bodily injury to any person.

4 (A) separate from ammunition; and

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

8 (2) Exception. This subsection shall not apply if:

9 (A) the firearm is carried by or within such close proximity that it can
10 be readily retrieved and used by the owner or another authorized user;

11 (3) Conduct not a violation. It shall not be a violation of this subsection
12 if:

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

15 (C) a child or prohibited person accesses and uses the firearm during
16 the course of a lawful act of self-defense or defense of another person; or

17 (D) the person stores or keeps the firearm:

18 (i) separate from ammunition; and

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

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

2 ~~(1) imprisoned not more than one year or fined not more than \$1,000.00,~~

3 ~~or both, if a child or prohibited person gains access to the firearm and uses it in~~

4 ~~the commission of a crime, or displays it in a threatening manner; or~~

5 ~~(2) imprisoned not more than five years or fined not more than~~

6 ~~\$5,000.00, or both, if a child or prohibited person gains access to the firearm~~

7 ~~and uses it to cause death or serious bodily injury to any person.~~

8 ~~(c) Charging discretion. If a person who allegedly violates this section is a~~

9 ~~parent or guardian of a child who gains access to a firearm that is used in an~~

10 ~~unintentional or self-inflicted shooting that causes death or serious bodily~~

11 ~~injury to the child, the impact of the child's death or serious bodily injury on~~

12 ~~the person who committed the alleged violation may be considered by the~~

13 ~~State's Attorney when deciding whether to file criminal charges in the case.~~

14 ~~(d) Information distribution.~~

15 ~~(1) At any location where a licensed dealer conducts firearm sales or~~

16 ~~transfers, the licensed dealer shall conspicuously display a sign containing the~~

17 ~~information required by subdivision (2) of this subsection in any area where~~

18 ~~the sales or transfers occur. The sign shall be posted so that it can be easily~~

19 ~~viewed by persons purchasing or receiving firearms, and the sign shall not be~~

20 ~~removed, obscured, or rendered illegible. If the location where the sales or~~

1 transfers occur is the premises listed on the dealer’s federal firearms license, an
2 additional sign shall be placed at or near the entrance to the premises.

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

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

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

17 It is important that the owner of a firearm seek firearm safety instructions
18 from a certified firearms instructor and keep firearms secured from
19 unauthorized use.

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

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

1 romantic nature. Factors that the court may consider when determining
2 whether a dating relationship exists include:

3 (A) the nature of the relationship;

4 (B) the length of time the relationship has existed; and

5 (C) the frequency of interaction between the parties.

6 Sec. 5. 13 V.S.A. § 4053 is amended to read:

7 § 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

8 (a) A State's Attorney ~~or~~, the Office of the Attorney General, or a family or
9 household member may file a petition requesting that the court issue an
10 extreme risk protection order prohibiting a person from purchasing, possessing,
11 or receiving a dangerous weapon or having a dangerous weapon within the
12 person's custody or control. The petitioner shall submit an affidavit in support
13 of the petition.

14 (b)(1) Except as provided in section 4054 of this title, the court shall grant
15 relief only after notice to the respondent and a hearing. The petitioner shall
16 have the burden of proof by clear and convincing evidence.

17 (2) When a petition has been filed by a family or household member, the
18 State's Attorney ~~or Attorney General~~ of the County where the petition was
19 filed shall be substituted as the plaintiff in the action upon the issuance of an
20 ex-parte order under section 4054 of this title or at least seven days prior to the
21 hearing for a petition filed under this section. Upon substitution of the State's

1 Attorney ~~or Attorney General~~ as the plaintiff, the family or household member
2 shall no longer be a party.

3 * * *

4 (d)(1) The court shall hold a hearing within 14 days after a petition is filed
5 under this section. Notice of the hearing shall be served pursuant to section
6 4056 of this title concurrently with the petition and any ex parte order issued
7 under section 4054 of this title.

8 (2) If a petition is filed by a family or household member under this
9 section, the court shall transmit a copy of the petition to the State’s Attorney ~~or~~
10 the Attorney General of the County where the petition was filed, along with all
11 supporting documents and the notice of the initial status conference or hearing.

12 * * *

13 Sec. 6. 13 V.S.A. § 4054 is amended to read:

14 § 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

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

21 * * *

1 Background Check System (NICS), or seven business days have elapsed since
2 the dealer contacted NICS to initiate the background check, whichever occurs
3 first.

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

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

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

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

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

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

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

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

20 **Sec. 8. SEVERABILITY**

1 As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if
2 a court finds any provision of this act to be invalid, or if any application of this
3 act to any person or circumstance is invalid, the invalidity shall not affect other
4 provisions or applications that can be given effect without the invalid provision
5 or application.

6 Sec. 9. EFFECTIVE DATE

7 This act shall take effect on July 1, 2023.

8

9 and that after passage the title of the bill be amended to read: “An act
10 relating to An act relating to implementing mechanism to reduce suicide and
11 community violence”

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16 (Committee vote: _____)

17

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Senator _____

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FOR THE COMMITTEE