

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary 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 Senate propose to the House that the bill be amended by striking out all after  
6 the enacting clause and inserting in 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. Eighty-eight percent of these deaths were by  
11 suicide.

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

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

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

1           (5) According to 2023 data from the Vermont Department of Health, 44  
2           percent of Vermont households store at least one firearm in or around the  
3           home.

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

6           (7) 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.”

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

19           (9) The National Firearms Commerce and Trafficking Assessment  
20           (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau  
21           of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between

1 2017 and 2021, 6,333 firearms that were used in a crime were traced to  
2 Vermont. Of the 1,903 firearms that could be traced to a known purchaser,  
3 65 percent were recovered from someone other than the purchaser, and  
4 64 percent were recovered outside the State of Vermont. Over 750 of these  
5 firearms were recovered in our neighboring states of New York,  
6 Massachusetts, and New Hampshire.

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

## 11 Sec. 2. LEGISLATIVE PURPOSE

12 The purposes of this legislation are to prevent death by suicide by reducing  
13 access to operable firearms by children and prohibited persons and to reduce  
14 community violence. Although there are many other methods for completing  
15 suicide, firearms are unique in their ability to create instantaneous and  
16 irreversible outcomes. Nearly every other commonly used method for suicide  
17 has a high survivability rate. It is extremely rare for someone to survive a  
18 suicide attempt in which a firearm is used. This fact, combined with the high  
19 prevalence of firearms in Vermont, is why this method alone is being  
20 addressed by this act.

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

2 § 4024. NEGLIGENT FIREARMS STORAGE

3 (a)(1) A person who stores or keeps a firearm within any premises that are  
4 under the person’s custody or control, and who knows or reasonably should  
5 know that a child or prohibited person is likely to gain access to the firearm,  
6 shall be:

7 (A) imprisoned not more than one year or fined not more than  
8 \$1,000.00, or both, if a child or prohibited person gains access to the firearm  
9 and uses it in the commission of a crime or displays it in a threatening manner;

10 or

11 (B) imprisoned not more than five years or fined not more than  
12 \$5,000.00, or both, if a child or prohibited person gains access to the firearm  
13 and uses it to cause death or serious bodily injury to any person.

14 (2) This subsection shall not apply if:

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

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

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

1           (D) the person stores or keeps the firearm in a locked container or  
2           equipped with a tamper-resistant mechanical lock or other safety device.

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

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

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

1           Failure to securely store firearms may result in criminal prosecution. It  
2           is important that the owner of a firearm seek firearm safety instructions from a  
3           certified firearms instructor and keep firearms secured from unauthorized use.

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

5           (c) As used in this section:

6           (1) “Authorized user” means a person 18 years of age or older who is  
7           not a prohibited person and who has been authorized to carry or use the firearm  
8           by the owner.

9           (2) “Child” means a person under 18 years of age.

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

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

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

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

18           (7) “Serious bodily injury” has the same meaning as in subdivision  
19           1021(a)(2) of this title.

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 members” means persons who are living together, are  
6 sharing occupancy of a dwelling, are engaged in a sexual relationship, or  
7 minors or adults who are dating. “Dating” means a social relationship of a  
8 romantic nature. Factors that the court may consider when determining  
9 whether a dating relationship exists include:

10 (A) the nature of the relationship;

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

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

13 Sec. 5. 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.

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

4 (2) When a petition has been filed by a family or household member, the  
5 State’s Attorney of the County where the petition was filed shall be substituted  
6 as the plaintiff in the action upon the issuance of an ex-parte order under  
7 section 4054 of this title or at least seven days prior to the hearing for a petition  
8 filed under this section. Upon substitution of the State’s Attorney as the  
9 plaintiff, the family or household member shall no longer be a party.

10 \* \* \*

11 (d)(1) The court shall hold a hearing within 14 days after a petition is filed  
12 under this section. Notice of the hearing shall be served pursuant to section  
13 4056 of this title concurrently with the petition and any ex parte order issued  
14 under section 4054 of this title.

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

19 \* \* \*



1 Sec. 6. 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 (b)(1)(A) The court shall grant the motion and issue a temporary ex parte  
11 extreme risk protection order if it finds by a preponderance of the evidence, or  
12 by clear and convincing evidence if the petition was filed by a family or  
13 household member, that at the time the order is requested the respondent poses  
14 an imminent and extreme risk of causing harm to ~~himself or herself~~ themselves  
15 or another person by purchasing, possessing, or receiving a dangerous weapon  
16 or by having a dangerous weapon within the respondent’s custody or control.  
17 The petitioner shall cause a copy of the order to be served on the respondent  
18 pursuant to section 4056 of this title, and the court shall deliver a copy to the  
19 holding station.

20 (B) If a motion is filed by a family or household member under this  
21 section and the court has issued an ex parte order, the court shall transmit a

1 copy of the motion to the State’s Attorney of the county where the petition was  
2 filed, along with all supporting documents and the notice of the initial status  
3 conference or hearing.

4 \* \* \*

5 Sec. 7. 13 V.S.A. § 4019a is added to read:

6 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

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

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

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

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

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

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

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

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

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

9       Sec. 8. SEVERABILITY

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

15       Sec. 9. EFFECTIVE DATE

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

17       and that after passage the title of the bill be amended to read: “An act  
18 relating to implementing mechanisms to reduce suicide and community  
19 violence”

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3 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE