

1 TO THE HONORABLE SENATE:

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, and to juvenile offenses in the Criminal
5 Division” respectfully reports that it has considered the same and recommends
6 that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu 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 chapter 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, transfer, or offer to transfer an
12 unfinished frame or receiver unless the unfinished frame or receiver has been
13 imprinted with a serial number by a federal firearms licensee pursuant to
14 federal law or section 4084 of this title.

15 (2) This subsection does not apply to:

16 (A) a federal firearms licensee acting within the scope of the
17 licensee’s license; or

18 (B) temporary possession or transfer of an unfinished frame or
19 receiver for the purpose of having it imprinted with a serial number pursuant to
20 federal law or section 4084 of this title.

1 (b)(1) A person shall not knowingly possess, transfer, or offer to transfer a
2 firearm or frame or receiver of a firearm that is not imprinted with a serial
3 number by a federal firearms licensee pursuant to federal law or section 4084
4 of this title.

5 (2) This subsection does not apply to:

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

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

11 (C) an antique firearm as defined in subsection 4017(d) of this title;

12 (D) a firearm that has been rendered permanently inoperable; or

13 (E) a firearm that was manufactured before 1968.

14 (c)(1) A person shall not manufacture a firearm or frame or receiver of a
15 firearm, including by a three-dimensional printer, that is not imprinted with a
16 serial number by a federal firearms licensee pursuant to federal law or section
17 4084 of this title.

18 (2) This section shall not apply to a federally licensed firearms
19 manufacturer acting within the scope of the manufacturer's license.

20 (d)(1) A person who violates this 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 (2) A person who uses an unserialized firearm while committing a
8 violent crime shall be imprisoned for not more than five years or fined not
9 more than \$5,000.00, or both.

10 § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
11 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

12 (a) A federal firearms licensee may imprint a serial number on an
13 unserialized firearm or frame or receiver of a firearm pursuant to this section.

14 (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall
15 be imprinted with a serial number that begins with the licensee's abbreviated
16 federal firearms license number, which is the first three and last five digits of
17 the license number, and is followed by a hyphen that precedes a unique
18 identification number. The serial number shall not be duplicated on any other
19 firearm, frame, or receiver serialized by the licensee and shall be imprinted in a
20 manner that complies with the requirements under federal law for affixing
21 serial numbers to firearms, including that the serial number be at the minimum

1 size and depth and not susceptible to being readily obliterated, altered, or
2 removed.

3 (2) A licensee who serializes a firearm, frame, or receiver pursuant to
4 this section shall make and retain records of the serialization that comply with
5 the requirements under federal law for the sale of a firearm. In addition to any
6 record required by federal law, the record shall include the date, name, age,
7 and residence of any person to whom the item is transferred and the unique
8 serial number imprinted on the firearm, frame, or receiver.

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

11 (c) Returning a firearm, frame, or receiver to a person after it has been
12 serialized pursuant to federal law or this section constitutes a transfer that
13 requires a background check of the transferee. A federal licensee who
14 serializes a firearm, frame, or receiver pursuant to this section shall conduct a
15 background check on the transferee pursuant to subsection 4019(c) of this title,
16 provided that if the transfer is denied, the licensee shall deliver the firearm,
17 frame, or receiver to a law enforcement agency for disposition. The agency
18 shall provide the licensee with a receipt on agency letterhead for the firearm,
19 frame, or receiver.

20 (d) A licensee who violates subsection (b) or (c) of this section shall be
21 imprisoned for not more than one year or fined not more than \$500.00, or both.

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and that after passage the title of the bill be amended to read: “An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers”

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE