

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 (7) “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) 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) temporary possession or transfer of an unfinished frame or
2 receiver for the purpose of having it imprinted with a serial number pursuant to
3 federal law or 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, transfer, or offer to transfer a
7 firearm or frame or receiver of a firearm that is not imprinted with a serial
8 number by a federal firearms licensee pursuant to federal law or section 4084
9 of this title.

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

13 (3) This subsection shall not apply to:

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

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

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

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

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

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

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

7 (2) This subsection shall not apply to:

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

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

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

15 (A) for a first offense, assessed a civil penalty of not more than
16 \$50.00;

17 (B) for a second offense, assessed a civil penalty of not more than
18 \$250.00; and

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

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

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

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

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

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

13 § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
14 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

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

17 (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall
18 be imprinted with a serial number that begins with the licensee's abbreviated
19 federal firearms license number, which is the first three and last five digits of
20 the license number, and is followed by a hyphen that precedes a unique
21 identification number. The serial number shall not be duplicated on any other

1 firearm, frame, or receiver serialized by the licensee and shall be imprinted in a
2 manner that complies with the requirements under federal law for affixing
3 serial numbers to firearms, including that the serial number be at the minimum
4 size and depth and not susceptible to being readily obliterated, altered, or
5 removed.

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

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

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

1 shall provide the licensee with a receipt on agency letterhead for the firearm,
2 frame, or receiver.

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

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

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

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

8 **§ 1102. JUDICIAL BUREAU; JURISDICTION**

9 * * *

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

13 * * *

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

15 **§ 4019A. FIREARMS TRANSFERS; WAITING PERIOD**

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

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

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

6 (d) As used in this section, “firearm” has the same meaning as in subsection
7 4017(d) of this title.

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

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

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

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

16 (3) This subsection shall be repealed on ~~July 1, 2024~~ July 1, 2025.

17 (f) This subsection shall not apply to the return of a firearm, frame, or
18 receiver to a person by a licensed dealer after the dealer has serialized it
19 pursuant to federal law or section 4084 of this title if the dealer returns the
20 firearm, frame, or receiver to the same person from whom it was received.

1 Sec. 4. 13 V.S.A. § 4027 is added to read:

2 § 4027. POLLING PLACES; WEAPONS PROHIBITED

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

6 (2) The provisions of subdivision (1) of this subsection shall apply to the
7 town clerk's office during any period when a board of civil authority has voted
8 to permit early voting pursuant to 17 V.S.A. § 2546b(a)(1).

9 (b) A person who violates this section shall be imprisoned not more than
10 one year or fined not more than \$1,000.00, or both.

11 (c) This section shall not apply to:

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

16 (2) a firearm or a dangerous or deadly weapon carried by a person while
17 performing the person's official duties as an employee of the United States; a
18 department or agency of the United States; a state; or a department, agency, or
19 political subdivision of a state, if the person is authorized to carry a firearm or
20 a dangerous or deadly weapon as part of the person's official duties.

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

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

3 (e) As used in this section:

4 (1) “Dangerous or deadly weapon” has the same meaning as in section
5 4016 of this title.

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

7 (3) “Polling place” means a place that a municipality has designated to
8 the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

9 Sec. 5. 17 V.S.A. § 2510 is added to read:

10 § 2510. 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 subdivision 2546b(a)(1) of this title.

17 (b) This section shall not apply to:

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

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

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

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

9 (d) As used in this section:

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

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

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

16 **Sec. 6. REPORT; VERMONT CRIME RESEARCH GROUP**

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

20 (1) the number of civil violations filed and adjudications obtained for
21 violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to possessing a firearm,

1 frame or receiver of a firearm, or unfinished frame or receiver of a firearm that
2 is not imprinted with a serial number:

3 (2) the number of criminal charges filed and convictions obtained for
4 violations of 13 V.S.A. § 4083(a)(2), (b)(2), or (c)(1) relating to transferring,
5 offering to transfer, or manufacturing a firearm, frame or receiver of a firearm,
6 or unfinished frame or receiver of a firearm that is not imprinted with a serial
7 number:

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

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

16 **Sec. 7. REPORT ON FIREARM IN MUNICIPAL BUILDINGS; VERMONT**
17 **LEAGUE OF CITIES AND TOWNS**

18 (a) On or before January 15, 2025, the Office of the Secretary of State, in
19 consultation with the Vermont League of Cities and Towns and the Vermont
20 Municipal Clerks and Treasurers Association, shall report to the House and
21 Senate Committees on Judiciary, the House Committee on Government

1 Operations and Military Affairs, and the Senate Committee on Government

2 Operations on options for prohibiting firearms in municipal buildings.

3 (b) The report required by this section shall include recommendations on
4 the following topics:

5 (1) whether the preferable approach is:

6 (A) for the General Assembly to pass a statute prohibiting firearms in
7 municipal buildings statewide; or

8 (B) for municipalities to be provided with the authority to decide
9 whether to pass an ordinance prohibiting firearms in municipal buildings;

10 (2) whether a statewide prohibition should include a definition of the
11 term “municipal building,” and if so, what that definition should be; and

12 (3) which municipal buildings should be covered and which should not
13 be covered by a prohibition on possessing firearms in municipal buildings.

14 (c) As used in this section, “firearm” has the same meaning as in 13 V.S.A.
15 § 4017(d).

16 Sec. 8. EFFECTIVE DATES

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

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

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1 (Committee vote: _____)

2 _____

3 Representative _____

4 FOR THE COMMITTEE