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S.209-UNSERIALIZED FIREAMS

SENATE CHANGES TO HOUSE AMENDMENT

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

CHAPTER 85. WEAPONS

\* \* \*

Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

§ 4081. SHORT TITLE

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

§ 4082. DEFINITIONS

As used in this subchapter:

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

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

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

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

(5) “Fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of

1 the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger  
2 mechanism, firing pin, striker, or slide rails.

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

11 (7) “Three-dimensional printer” means a computer-aided manufacturing  
12 device capable of producing a three-dimensional object from a three-  
13 dimensional digital model through an additive manufacturing process that  
14 involves the layering of two-dimensional cross sections formed of a resin or  
15 similar material that are fused together to form a three-dimensional object.

16 (7) “Unfinished frame or receiver” means any forging, casting, printing,  
17 extrusion, machined body, or similar article that has reached a stage in  
18 manufacture when it may readily be completed, assembled, or converted to be  
19 used as the frame or receiver of a functional firearm or that is marketed or sold  
20 to the public to become or be used as the frame or receiver of a functional  
21 firearm once completed, assembled, or converted.

1           (9) “Violent crime” has the same meaning as in section 4017 of this  
2 title.

3           § 4083. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED  
4           FIREARMS, FRAMES, AND RECEIVERS

5           (a)(1) A person shall not knowingly possess, transfer, or offer to transfer an  
6 unfinished frame or receiver unless the unfinished frame or receiver has been  
7 imprinted with a serial number by a federal firearms licensee pursuant to  
8 federal law or section 4084 of this title.

9           ~~(2) A person shall not knowingly transfer or offer to transfer an~~  
10 ~~unfinished frame or receiver unless the unfinished frame or receiver has been~~  
11 ~~imprinted with a serial number by a federal firearms licensee pursuant to~~  
12 ~~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) possession or transfer of an unfinished frame or receiver for the  
17 purpose of having it imprinted with a serial number pursuant to federal law or  
18 section 4084 of this title; or

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

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

8        (3) This subsection shall not apply to:

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

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

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

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

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

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

19        (c)(1) A person who manufactures a firearm or frame or receiver of a  
20        firearm, including by a three-dimensional printer, shall cause the firearm,

1 frame, or receiver to be imprinted with a serial number by a federal firearms  
2 licensee pursuant to federal law or section 4084 of this title.

3 (2) This subsection shall not apply to:

4 (A) a federally licensed firearms manufacturer acting within the  
5 scope of the manufacturer's license; or

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

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

11 (A) for a first offense, assessed a civil penalty of not more than  
12 \$50.00;

13 (B) for a second offense, assessed a civil penalty of not more than  
14 \$250.00; and

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

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

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

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

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

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

9           § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO

10           SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

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

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

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





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

3 (d) As used in this section, “firearm” has the same meaning as in subsection  
4 4017(d) of this title.

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

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

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

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

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

14 (f) This subsection shall not apply to the return of a firearm, frame, or  
15 receiver to a person by a licensed dealer after the dealer has serialized it  
16 pursuant to federal law or section 4084 of this title if the dealer returns the  
17 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 FIREARMS 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 FIREARMS 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 and the Commissioner of  
21 Buildings and General Services, shall report to the House and Senate

1 Committees on Judiciary, the House Committee on Government Operations  
2 and Military Affairs, and the Senate Committee on Government Operations on  
3 options for prohibiting firearms in municipal and State government buildings.

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

6 (1) whether the preferable approach is:

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

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

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

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

15 (c) As used in this section, “firearm” has the same meaning as in 13 V.S.A.  
16 § 4017(d).

17 Sec. 8. EFFECTIVE DATES

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

19 (b) Secs. 2, 3, 4, 5, 6, 7, and this section shall take effect on passage.

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2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE