

1 S.3

2 Senator Baruth moves that the bill be amended by striking out all after the
3 enacting clause and inserting in lieu thereof the following:

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

5 CHAPTER 85. WEAPONS

6 * * *

7 Subchapter 3. Unauthorized Military Training

8 § 4071. PARAMILITARY TRAINING PROHIBITED

9 (a) A person shall not:

10 (1) teach, train, or demonstrate to any other person the use, application,
11 or making of a firearm, explosive, or incendiary device capable of causing
12 injury or death, or in techniques capable of causing injury or death to persons,
13 if the person knows or reasonably should know that the teaching, training, or
14 demonstrating will be unlawfully employed for use in or in furtherance of a
15 civil disorder; or

16 (2) assemble with one or more other persons for the purpose of being
17 taught, trained, or instructed in the use, application, or making of a firearm,
18 explosive, or incendiary device capable of causing injury or death, or in
19 techniques capable of causing injury or death to persons, if the person knows
20 or reasonably should know that the teaching, training, or instruction will be
21 unlawfully employed for use in or in furtherance of a civil disorder.

1 (b) A person who violates this section shall be imprisoned not more than
2 five years or fined not more than \$5,000.00, or both.

3 (c) This section shall not apply to:

4 (1) activity engaged in for legitimate law enforcement purposes by a
5 federal law enforcement officer or a law enforcement officer certified as a law
6 enforcement officer by the Vermont Criminal Justice Council pursuant to 20
7 V.S.A. § 2358;

8 (2) lawful activity engaged in by students at Norwich University or any
9 other educational institution where military science is taught as a prescribed
10 part of the course of instruction;

11 (3) any activity undertaken without knowledge of or intent to cause or
12 further a civil disorder that is intended to teach or practice self-defense or self-
13 defense techniques, including karate clubs, self-defense clinics, and similar
14 lawful activity;

15 (4) any facility, program, or lawful activity related to firearms
16 instruction and training that is intended to teach the safe handling and use of
17 firearms; or

18 (5) any lawful sports or activities related to the individual recreational
19 use of possession of firearms, including hunting pursuant to 10 V.S.A. part 4,
20 target shooting, self-defense, and firearms collection.

21

1 § 4072. DEFINITIONS

2 As used in this chapter:

3 (1) “Civil disorder” means any public disturbance involving acts of
4 violence by an assemblage of two or more persons that causes an immediate
5 danger of or results in damage or injury to the property or person of any other
6 individual.

7 (2) “Explosive” has the same meaning as in subdivision 1603(2) of this
8 title.

9 (3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this
10 title.

11 (4) “Incendiary device” means a device so constructed that an ignition
12 by fire, friction, concussion, detonation, or other method may produce
13 destructive effects primarily through combustion rather than explosion. The
14 term does not include a manufactured device or article in common use by the
15 general public that is designed to produce combustion for a lawful purpose,
16 including matches, lighters, flares, or devices commercially manufactured
17 primarily for the purpose of illumination, heating, or cooking. The term does
18 not include firearms ammunition.

19 § 4073. CIVIL ENFORCEMENT; INJUNCTIVE RELIEF

20 If the Attorney General or a State’s Attorney has reason to believe that a
21 person is violating or is about to violate section 4071 of this title, and that

1 proceedings would be in the public interest, the Attorney General or State's
2 Attorney may bring an action in the name of the State in the Civil Division of
3 the Superior Court to restrain the violation by temporary or permanent
4 injunction. The action shall be brought in the Superior Court of the county in
5 which the person resides, has a place of business, or is doing business. The
6 courts are authorized to issue temporary or permanent injunctions to restrain
7 and prevent violations of section 4071 of this title.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.