



**To:** Senate Committee on the Judiciary  
State Capitol  
115 State St.  
Montpelier, VT 05633

**Re:** Senate Bill 4 – An Act Relating to Reducing Crimes of Violence  
Associated with Juveniles and Dangerous Weapons

**Position:** Oppose

**Date:** January 24, 2023

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Honorable Members of the Senate Committee on the Judiciary,

My name is Joseph Bachar, and I am the New England States Coordinator for the Congressional Sportsmen’s Foundation (CSF). As an avid outdoorsman and conservationist, I urge you to oppose Senate Bill 4 (S. 4); specifically, Section 8 would unjustifiably prohibit anyone under the age of 21 from possessing a “semiautomatic assault weapon.” S.4 is rife with contradictions, and it runs counter to existing law that permits those under the age of 21 to purchase firearms so long as they have a certificate of satisfactory completion of a Vermont hunter safety course or equivalent hunter safety course from another state or Canadian province. Along with a potential loss in sportsmen-generated revenue from certain hunting and recreational shooting pursuits, Vermont stands to lose the supplementary economic contributions that occur as individuals take part in some of the state’s time-honored traditions. Additionally, opportunities to spend time afield with family and friends will be lost for those not yet 21 years of age. For these reasons, CSF stands in firm opposition to S. 4.

Founded in 1989, the Congressional Sportsmen's Foundation is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

Under current law in Vermont, 13 V.S.A. § 4020, exceptions to the general prohibition on the sale of firearms to persons under 21 years of age includes: “a person who provides the seller with a certificate of satisfactory completion of a Vermont hunter safety course or an equivalent hunter safety course that is approved by the Commissioner” or “a person who provides the seller with a certificate of satisfactory completion of a hunter safety course in another state or a province of

Canada that is approved by the Commissioner.”<sup>1</sup> Should S. 4 be enacted, a person under 21 years of age who meets one of the above-mentioned exceptions would, in theory, be able to purchase a “semiautomatic assault weapon” but not possess it. This creates a legal juxtaposition that will only be settled in court, costing the state significant time and legal resources.

On the theme of inconsistencies, S. 4 also self-contradicts itself in Section 8 on limitations on shotguns. Sec. 8. 13 V.S.A. § 4020(d)(1)(C)(v) identifies a semiautomatic shotgun that has “an ability to accept a **detachable magazine**” (emphasis added) as a “semiautomatic assault weapon” that would be subjected to this law. However, Sec. 8. 13 V.S.A. § 4020(d)(2)(C) states that the term “semiautomatic assault weapon” does not include “a semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or **detachable magazine**” (emphasis added). Essentially, a hunter or sport shooter who is under the age of 21 and who has a shotgun that can accept five rounds of ammunition in a detachable magazine may believe that he or she is complying with the provisions within S. 4, given the exception made in Sec. 8. 13 V.S.A. § 4020(d)(2)(C); however, shotguns with the ability to accept a detachable magazine fall within the possession prohibition outlined within this legislation. As can be seen, the language within this bill is confusing, contradictory, and contains the absolute potential to result in individuals finding themselves needlessly subjected to criminal offenses. If confusion with interpreting the law weren’t enough, this bill also serves to undermine valuable conservation funding for the state.

Enacted in 1937, the Pittman-Robertson Act redirected previously existing excise taxes on firearms and ammunition to a dedicated fund to be used specifically for wildlife conservation purposes. Once collected, the taxes are deposited into the Wildlife Restoration Account, which is administered by the United States Fish and Wildlife Service (USFWS). Under the Pittman-Robertson Act and per the Firearms and Ammunition Excise Tax, ammunition is subjected to an 11% excise tax.<sup>2</sup> It is widely recognized that recreational target shooters, who per-capita, spend even more money on firearms and ammunition than hunters, are the financial keystone for the American System of Conservation Funding – the unique “user pays – public benefits” structure in which conservation funding is generated by sportsmen and women through revenue derived from license sales and excise taxes on sporting-related goods. According to a National Shooting Sports Foundation estimate, “80 percent of Pittman-Robertson excise tax contributions are generated by sales attributed to recreational shooting.”<sup>3</sup> By restricting the possession of firearms for those below the age of 21 years old, S. 4 has the potential to diminish ammunition sales otherwise spent by a certain age group of hunters and recreational shooters, and therefore deflect much-needed conservation dollars away from the Vermont Fish and Wildlife (VTFW) Department.

Equally concerning is the effect this legislation will have on the younger hunting community – particularly those pursuing turkeys. The VTFW Department’s website states that “Vermont boasts the best wild turkey hunting in New England,” though the limitations within S. 4 pose to offer significant challenges to sportsmen and women under the age of 21 who hunt turkeys but own shotguns that contain one or more of the prohibited features.<sup>4</sup> Traits such as a “telescoping stock,” “thumbhole stock,” and “detachable magazine” are commonplace among turkey hunters. Additionally, a prohibition on the possession of a shotgun with “a fixed magazine capacity in excess of seven rounds” fails to account for the fact that a typical shotgun that can hold three 3.5-inch shells would also be able to fit seven 1.5-inch “minishells.” Since most modern shotguns are

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<sup>1</sup> 13 V.S.A. § 4020.

<sup>2</sup> *FAET Reference Guide Firearms and Ammunition Excise Tax*. Accessed on March 29, 2022. <https://www.ttb.gov/firearms/reference-guide#1>.

<sup>3</sup> *NSSF Commends Congress’s Passage of ‘Range Bill.’* Accessed on March 29, 2022. <https://www.nssf.org/nssf-commends-congresss-passage-of-range-bill/>.

<sup>4</sup> *Wild Turkey*. Accessed on January 24, 2023. <https://vtfishandwildlife.com/hunt/hunting-and-trapping-opportunities/wild-turkey>.

capable of accepting shells that are a range of lengths, it stand to reason that an individual under 21 years old would be in violation of the provisions within S. 4 should they opt to use a shotgun that can hold 3.5-inch shells based on the fact that the shotgun can also hold seven 1.5-inch “minishells.” Another inconsistency is the fact that possession of a shotgun with a fixed magazine which can hold more than seven rounds is prohibited, but possession of a shotgun with a fixed or detachable magazine that cannot hold more than five rounds is permitted, begging the question: what about the possession of a shotgun with a fixed magazine capable of holding six rounds? This question is crucial, as most modern shotguns fall into this category. Confusion abounds with this bill, and what will likely happen should it go into effect is that countless turkey hunters who are not yet 21 years of age will be priced out of their pursuits, as they will no longer be able to lawfully possess the shotguns they currently own, and will be forced to purchase additional firearms if they wish to continue hunting.

The other negative economic ramifications that will result from S. 4 include those relative to ancillary spending by sportsmen and women. Through their spending, Vermont’s sportsmen and women support \$214 million in salaries and wages and generate \$51 million in Federal taxes, \$50 million in state and local taxes, and have a ripple effect of \$658 million.<sup>5</sup> Prohibiting the possession of certain firearms by those under the age of 21 years creates barriers to sporting opportunities that directly relate to these financial figures. As a result, it reasons to stand that Vermont may see either a stagnation or decrease in these economic effects.

Another issue is the fact that waves of young sportsmen and women will be excluded from enjoying certain outdoor pursuits that are practiced by family and friends over the age of 21. Education through hands-on experiences (possession) is instrumental to teaching the next generation of hunters and recreational shooters, as well as in forming lasting memories practicing and hunting alongside others; S. 4 would create certain hurdles in this regard. The state should be exploring ways to expand practical opportunities throughout Vermont, not limiting them – as S. 4 poses to do.

In recognition of the negative bearings that S. 4 would have on Vermont’s sportsmen and women, CSF stands in firm opposition. Thank you for the opportunity to provide comments on this issue. Should you require additional information on this, or other sportsmen-related topics, please feel free to contact me at any time.

Sincerely,



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<sup>5</sup> *Vermont Sportsmen and Women*. Accessed on January 23, 2023.  
[https://congressionalsportsmen.org/uploads/page/EIR\\_Vermont\\_final\\_low.pdf](https://congressionalsportsmen.org/uploads/page/EIR_Vermont_final_low.pdf).