

10 An act relating to prohibiting possession of semiautomatic assault weapons

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. § 4028 is added to read:

13 § 4028. POSSESSION OF SEMIAUTOMATIC ASSAULT WEAPONS

14 PROHIBITED

15 (a) A person shall not possess a semiautomatic assault weapon.

16 (b) A person who violates this section shall be imprisoned for not more

17 than one year or fined not more than \$500.00, or both.

18 (c) This section shall not apply to any semiautomatic assault weapon

19 possessed by:

1 (1) a federal law enforcement officer or a law enforcement officer
2 certified as a law enforcement officer by the Vermont Criminal Justice
3 Training Council pursuant to 20 V.S.A. § 2358 for legitimate law enforcement
4 purposes, whether the officer is on or off duty; or
5 (2) an active member of the Vermont National Guard, of the National
6 Guard of another state, or of the U.S. Armed Forces.
7 (d)(1) As used in this section, “semiautomatic assault weapon” means:
8 (A) a semiautomatic rifle that has the ability to accept a detachable
9 magazine and has at least one of the following features:
10 (i) a folding or telescoping stock;
11 (ii) a pistol grip that protrudes conspicuously beneath the action of
12 the weapon;
13 (iii) a thumbhole stock;
14 (iv) a second handgrip or a protruding grip that can be held by the
15 nontrigger hand;
16 (v) a bayonet mount;
17 (vi) a flash suppressor, muzzle break, muzzle compensator, or
18 threaded barrel designed to accommodate a flash suppressor, muzzle break, or
19 muzzle compensator; or
20 (vii) a grenade launcher;

1 (B) a semiautomatic pistol that has the ability to accept a detachable
2 magazine and has at least one of the following features:
3 (i) a folding or telescoping stock;
4 (ii) a thumbhole stock;
5 (iii) a second handgrip or a protruding grip that can be held by the
6 nontrigger hand;
7 (iv) capacity to accept an ammunition magazine that attaches to
8 the pistol outside the pistol grip;
9 (v) a threaded barrel capable of accepting a barrel extender, flash
10 suppressor, forward handgrip, or silencer;
11 (vi) a shroud that is attached to, or partially or completely
12 encircles, the barrel and that permits the shooter to hold the firearm with the
13 nontrigger hand without being burned;
14 (vii) a manufactured weight of 50 ounces or more when the pistol
15 is unloaded; or
16 (viii) a semiautomatic version of an automatic firearm; or
17 (C) a semiautomatic shotgun that has at least one of the following
18 features:
19 (i) a folding or telescoping stock;
20 (ii) a thumbhole stock;

1 (iii) a second handgrip or a protruding grip that can be held by the
2 nontrigger hand;
3 (iv) a fixed magazine capacity in excess of seven rounds; or
4 (v) the ability to accept a detachable magazine.

5 (2) “Semiautomatic assault weapon” does not include:

6 (A) a firearm that:

7 (i) is manually operated by bolt, pump, lever, or slide action;
8 (ii) has been rendered permanently inoperable; or
9 (iii) is an antique firearm as defined in section 4017 of this title;

10 (B) a semiautomatic rifle that cannot accept a detachable magazine
11 that holds more than five rounds of ammunition; or

12 (C) a semiautomatic shotgun that cannot hold more than five rounds
13 of ammunition in a fixed or detachable magazine.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on passage.