

S.167

Introduced by Senators Clarkson, Chittenden, Cummings, Gulick, Hardy,
Harrison, Lyons, Major, Perchlik, Ram Hinsdale, Watson and
White

Referred to Committee on

Date:

Subject: Crimes; firearms; semiautomatic assault weapons

Statement of purpose of bill as introduced: This bill proposes to prohibit
possession of semiautomatic assault weapons.

An act relating to prohibiting possession of semiautomatic assault weapons

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

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

§ 4028. POSSESSION OF SEMIAUTOMATIC ASSAULT WEAPONS

PROHIBITED

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

(b) A person who violates this section shall be imprisoned for not more
than one year or fined not more than \$500.00, or both.

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