



# ASSESSMENT OF STATEWIDE FIREARM BAN FOR STATE AND MUNICIPAL BUILDINGS

In accordance with Act 120 of 2024

## Abstract

The Secretary of State's report examines policy options for firearms in state and municipal government buildings. After examining existing laws and policies, approaches by neighboring states, and perspectives of interested parties, the report recommends a statewide prohibition in government buildings with an opt-out mechanism for municipalities. The report also discusses considerations related to timing, government land, and more.

**Submitted to:** House and Senate Committees on Judiciary, the House Committee on Government Operations and Military Affairs, and the Senate Committee on Government Operations

**Submitted by:** Sarah Copeland Hanzas, Secretary of State

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**Report Date:** January 23, 2025

# Legislative Request

Act 120 (2024)

(a) On or before January 15, 2025, the Office of the Secretary of State, in consultation with the Vermont League of Cities and Towns, the Vermont Municipal Clerks and Treasurers Association, the Commissioner of Buildings and General Services, and the Sergeant at Arms, shall report to the House and Senate Committees on Judiciary, the House Committee on Government Operations and Military Affairs, and the Senate Committee on Government Operations on options for prohibiting firearms in municipal and State government buildings, including the Vermont State House.

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

(1) whether the preferable approach is:

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

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

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

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

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

## Executive Summary

Act 120 (2024) charged the Secretary of State's office with assessing whether firearms should be banned from state buildings. To do so, this report starts by reviewing national standards and laws, assessing the State of Vermont's patchwork of administrative rules and policies related to firearms and state property, efforts by individual municipalities to regulate firearms in their buildings in the absence of a statewide ban, and the status of laws related to bans in other sensitive locations (p4-8). As directed by Act 120, we gathered feedback from the several entities the Legislature recognized as possessing relevant experience and expertise (p9-11). We then delve into additional considerations, including whether a statewide ban should cover only firearms or include all dangerous or deadly weapons, how to define State and municipal buildings, whether to include or exempt land, how to treat vehicles, how to balance a desire for personal protection, and how to weigh the benefits of uniformity vs. local and individual choice (p12-14). Next, we review the approaches of several nearby states, from broad bans in New York and Massachusetts to partial bans in Connecticut and Maine to no prohibition in New Hampshire and Rhode Island's state and municipal buildings (p15-19).

After careful consideration, we recommend that Vermont enact a statewide ban against possessing or carrying a firearm or other deadly or dangerous weapon on state or municipal property. In addition, we recommend eight key considerations for legislative action (p 20):

- 1. Include state property near buildings, but exempt hunting lands** – Dangerous weapons should not be allowed on the majority of the state complex, but public parks and lands historically used for hunting should not be impacted.
- 2. Include municipal property near buildings, but exempt hunting lands** – Mirror the state approach, while also continuing to allow municipalities to regulate the discharge of firearms.
- 3. Allow municipalities to opt out** – Municipalities should be able to opt out of the statewide ban, in whole or in part, by a vote at the annual meeting. The vote could be related to some or all municipal buildings and land.
- 4. Exempt weapons securely stored in vehicles** - Vermonters should have the opportunity to safely store a weapon or firearm before entering a protected building or land.
- 5. Define deadly or dangerous weapons consistent with 13 V.S.A. 4016 in the new legislation.**
- 6. Exempt certified law enforcement.**
- 7. Require signs to be posted outside of State and municipal buildings.**
- 8. Choose an effective date with adequate preparation time** – A minimum of six (6) months for the State and twelve (12) months for municipalities is needed to educate Vermonters about the new law and to give municipalities ample time to opt-out.

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## Introduction and Current State of the Law

Act 120 asks the Secretary of State's Office for a recommendation about whether the State of Vermont should enact a prohibition on firearms in State buildings and municipal buildings. The context of this request comes in a time of increased social polarization and vitriol aimed at public servants, policymakers, and citizens. To preserve participatory democracy and good governance, we need to consciously decide where weapons will and won't be allowed. If a statewide ban for State and municipal buildings and property is enacted we need a sensible, easy-to-understand approach, because a patchwork of policies can lead to confusion, inadvertent law-breaking, and reduced faith in government. We also need a solution that works for Vermont and specific Vermont communities. We can balance the desire for consistency with Vermonters' appreciation and need for local control.

Our office consulted with other experts and interested parties. This report will share the recommendations and additional considerations that emerged from those collaborations. We also examine approaches taken in other states to ban firearms and weapons in sensitive locations in their jurisdictions. First, however, this report reviews national standards and laws and assesses Vermont's patchwork of statutes, administrative rules, and policies related to prohibitions against firearms and weapons on State and municipal property. Additionally, we review efforts by individual municipalities to regulate firearms in their buildings in the absence of a statewide ban.

### *National Standards and Laws*

States are constrained by the laws and standards established by the United States Supreme Court's interpretation of the Constitution's Second Amendment.<sup>1</sup> In 2008, the Supreme Court issued a landmark decision in *District of Columbia v. Heller*, which found that the Second Amendment protected an individual's right to bear arms.<sup>2</sup> *Heller* clarified that the right to carry is protected for the traditionally lawful purposes of self-defense.<sup>3</sup> The Court held that the right to keep and carry firearms or other weapons under the Second Amendment does have limitations.<sup>4</sup> Specifically, the Court clarified that its ruling in *Heller* should not be interpreted to prevent limitations on firearms or dangerous weapons in

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<sup>1</sup> The author of this report is not attempting to do a full review of the constitutional law evolution of the 2<sup>nd</sup> Amendment and restrictions on the right to bear arms in this report. Instead, this review examines restrictions on the ability to carry firearms in public spaces.

<sup>2</sup> 554 U.S. 570 (2008); The case came to the Supreme Court because of a challenge to a District of Columbia law that banned carrying handguns outside of the home, even if they were registered. The law also required that firearms be stored "unloaded and disassembled or bound by a trigger lock or similar device."

<sup>3</sup> *Id.*, at 625

<sup>4</sup> *Id.*, at 626

schools or government buildings.<sup>5</sup> The Court’s decision in *Heller* was further expanded in 2022 with the *New York State Rifle and Pistol Association v. Bruen* decision.<sup>6</sup> This case was before the Court because New York State regulated carrying handguns in public.<sup>7</sup> *Bruen*, building on *Heller*, held that it is lawful to prohibit weapons including firearms from “sensitive places,” including “legislative assemblies, polling locations, and courthouses.”<sup>8</sup> The Court stated that historical regulations prohibiting carrying firearms can be used to analyze if a prohibition against carrying firearms in “new and analogous sensitive places” is appropriate.<sup>9</sup>

Act 120 asks for a recommendation about whether the State should enact a prohibition on firearms in State buildings and municipal buildings. Under *Heller* and *Bruen*, these buildings are all considered “sensitive places”; therefore, the state would be permitted to infringe on the Second Amendment right to carry a firearm.

#### *Vermont: State Buildings*

Vermont statutes do not prohibit firearms or weapons in the majority of State government buildings, including the Vermont State House. Absent statutory prohibitions, State government has developed a patchwork of administrative rules or policies to prevent firearms and weapons from being carried within state buildings.

There is a specific type of State government building where guns are prohibited: in 1993, the legislature passed a bill prohibiting firearms or dangerous or deadly weapons in a courthouse.<sup>10</sup> For courthouses, if there is a violation of the law, state law provides for criminal liability of not more than one year of imprisonment, a \$500.00 fine, or both.<sup>11</sup> The majority of State government buildings do not have a statutory prohibition against carrying guns or dangerous weapons. One of the duties of the Commissioner of Buildings and General Services (BGS) is they can adopt rules that govern access to and conduct upon the grounds, structures, and buildings under BGS’s jurisdiction.<sup>12</sup> The Vermont State Facilities Rules, which were most recently revised in 1999, prohibit firearms, explosives, dangerous weapons or the components to fabricate such devices in state buildings.<sup>13</sup>

*Firearms, explosives, dangerous weapons or the components to fabricate such devices whether in open or concealed possession are prohibited in State Buildings.*

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<sup>5</sup> *Id.*

<sup>6</sup> 597 U.S. 1 (2022)

<sup>7</sup> *Id.*, at 2

<sup>8</sup> *Id.*, at 21

<sup>9</sup> *Id.*

<sup>10</sup> 13 V.S.A. § 4016

<sup>11</sup> *Id.*

<sup>12</sup> 29 V.S.A. §152(a)(14)

<sup>13</sup> CVR 10-050-003

*Vermont Criminal Justice Training Council (VCJTC) certified law enforcement officers, as defined in 20 V.S.A. §2358 and Capitol Police Officers who have successfully completed the firearms safety program provided by VCJTC are exempt from this provision, unless otherwise provided by law. Instructors and participants in educational or training classes conducted by the Agency of Natural Resources or the Department of Fish and Wildlife may be exempt from this provision upon the Commissioner's receipt and acknowledgment of written notification of such classes from the Agency of Natural Resources or the Department of Fish and Wildlife. Hunting on State Grounds shall be allowed except as posted as per the laws, rules and regulations of the General Assembly and the Department of Fish and Wildlife.*<sup>14</sup>

The State Facilities Rules define “dangerous or deadly weapon” consistent with the definition in [13 V.S.A. §4016\(a\)\(2\)](#), which states that “dangerous or deadly weapon” means “any firearm, or other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.” It is important to note that the current rules do not address state land or parking lots.

The State Facilities Rules, which went through the administrative rulemaking process making them a law in our state, do not have criminal liability attached. This means that if an individual were to carry a prohibited weapon onto State property, that individual could not be criminally cited for a violation of the administrative rule. Courts are an exception to this model. Under 13 V.S.A. §4016, an individual who carries a firearm or weapon in a courthouse is subject to a misdemeanor with a punishment of not more than one year of imprisonment or a fine of not more than \$500.00, or both.

Currently, guns and dangerous weapons are prohibited in the State House under the Joint Rules of the Senate and the House of Representatives (“Joint Rules”) and by the State Facilities Rules. The Joint Rules state:

*26. Public Conduct in the State House*

*(c) No person while in the State House shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed, except for official purposes.*

Joint Rule 26 (c) was added to the Joint Rules in 1991. Like the State Facilities Rules, the Joint Rules do not carry a criminal punishment of liability. Unlike the State Facilities Rules, the Joint Rules are Legislative rules, and do not have the force of law. While the Joint Rules

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<sup>14</sup> Id. Sec. 5

include dangerous or deadly weapons, the rules do not define which weapons are included.<sup>15</sup>

### *Vermont: Municipal Buildings*

Municipalities have attempted to prohibit carrying guns and weapons in municipal buildings but without a statewide ban, those efforts have not been successful. Previously, Burlington has tried to modify their charter to prohibit guns in a variety of locations, including their city hall.<sup>16</sup> The reason those efforts have not been effective and the primary restriction on all municipal regulation of guns within their jurisdictions is 24 V.S.A. § 2295 which states:

**§ 2295. Authority of municipal and county governments to regulate firearms, ammunition, hunting, fishing, and trapping**

Except as otherwise provided by law, no town, city, or incorporated village, by ordinance, resolution, or other enactment, shall directly regulate hunting, fishing, and trapping or the possession, ownership, transportation, transfer, sale, purchase, carrying, licensing, or registration of traps, firearms, ammunition, or components of firearms or ammunition. This section shall not limit the powers conferred upon a town, city, or incorporated village under subdivision 2291(8) of this title. The provisions of this section shall supersede any inconsistent provisions of a municipal charter.

24 V.S.A. § 2295 is commonly known as the Sportsman’s Bill of Rights and is widely seen as restriction on municipalities to regulate firearms on a specific town level. However, municipalities can “regulate or prohibit the discharge, but not the possession, of firearms within the municipality.” 24 V.S.A. § 2291(8). There have been efforts to repeal or otherwise modify these restrictions on municipalities. To date, none of those efforts have been successful.

There is a notable and time-limited exception to the lack of regulation of firearms in municipal buildings. In 2024, the Legislature passed Act 120, which prohibits firearms at polling locations and the walkways leading to polling locations.<sup>17</sup> The statute defines a polling location to include a town clerk’s office during “any period when the board of civil authority has voted to permit early voting.”<sup>18</sup> If an individual were carrying a gun or dangerous weapon in a polling location, they could not be arrested because criminal liability is not attached to 17 V.S.A. § 2510. This new provision of the law has exceptions for

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<sup>15</sup> [Agency of Administration, Department of Buildings & General Services, Policy 0007: Violence in the Workplace \(1999\)](#)

<sup>16</sup> [Burlington City Council passes gun violence resolution](#), VTDigger, December 12, 2022

<sup>17</sup> 17 V.S.A. §2510(a)(1)

<sup>18</sup> 17 V.S.A. §2510(a)(2)



certified law enforcement in their official capacity, others authorized by employment to carry a firearm, and for firearms stored in vehicles.<sup>19</sup>

### *Vermont: Other Restrictions in Specific Locations*

Guns are prohibited in Vermont schools by Vermont statute and Congress has also passed federal legislation prohibiting guns in school buildings and on school property.<sup>20</sup> Vermont statutes establish a broad ban against possessing a firearm or deadly weapon within a school building or on a school bus.<sup>21</sup> There is also a ban against possessing a firearm or deadly weapon on any school property. However, this ban is limited because possession is prohibited *if* you are on school property “with the intent to injure another person.”<sup>22</sup> Possession in violation of either provision is punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000.00 for the first offense.<sup>23</sup> For the second or subsequent offense, an individual can be imprisoned for up to three years and/or fined \$5,000.00.<sup>24</sup>

In 2022, the Vermont Legislature enacted, with the Governor’s signature, new restrictions on firearms in hospital buildings.<sup>25</sup> This prohibition is only for possession within a hospital and is punishable with a fine of not more than \$250.00. The law also requires posting signs about the prohibition. These signs must be “posted conspicuously at each public entrance.”<sup>26</sup>

Both of these provisions in the law have express exemptions for federal law enforcement officers and for a certified law enforcement officer if that officer is there for “law enforcement duties”<sup>27</sup> or “legitimate law enforcement purposes.”<sup>28</sup>

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<sup>19</sup> 17 V.S.A. §2510(b)

<sup>20</sup> See, Improving America’s Schools Act of 1994, which included the Gun-Free Schools Act of 1994; and, Crime Control Act of 1990, which incorporated the Gun-Free School Zone Act.

<sup>21</sup> 13 V.S.A. §4004(a)

<sup>22</sup> 13 V.S.A. §4004(b)

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> 13 V.S.A. §4023

<sup>26</sup> 13 V.S.A. §4023(d)

<sup>27</sup> 13 V.S.A. §4004(c)(1)

<sup>28</sup> 13 V.S.A. §4023(c)

## Feedback from Parties Named in Act 120

While the Secretary of State's Office was tasked with writing this report, the Legislature recognized that several entities possess relevant experience and expertise. As directed by Act 120, we consulted with the Commissioner of Buildings and General Services (BGS), Sergeant at Arms, Vermont League of Cities and Towns (VLCT), and Vermont Municipal Clerks and Treasurers Association (VMCTA). We initially contacted the organizations in November of 2024 to invite feedback, then followed up as the report and its recommendations took shape. The BGS, Sergeant at Arms, VLCT, and VMCTA all weighed in on and reviewed the proposals. BGS wanted to submit a separate written statement (Appendix A).

### *State of Vermont Buildings and General Services*

BGS Commissioner Wanda Minoli states that the existing State Facilities Rules are working well. Under the current structure, if it is determined that individual is carrying a firearm or other weapon into a State building, BGS Safety and Security or agency staff talk to the individual who is carrying, inform them of the Rules, and request that they store the weapon in a separate location or their car. The Commissioner does not have a specific recommendation on whether the Legislature should enact a prohibition, with criminal liability, against carrying a firearm or dangerous weapon on state property. If the Legislature were to move forward on a criminal prohibition, BGS would seek clarity about the expectations for its department in terms of oversight and enforcement. BGS would need to review potential costs and staffing associated with those expectations.

As noted above, a missing gap in the current rules is parking lots and land. If the Legislature moves forward on a criminal prohibition for weapons on state property it would be helpful to clarify if land is included. BGS has not indicated a position on a preferred policy direction for land if legislation were enacted, as they "would like the opportunity to assess extending the prohibition to State Facilities and State Grounds and pursue amending the Rules through the administrative rulemaking process."<sup>29</sup> Since BGS prefers to not get into any other specific recommendations related to potential legislation related to a statewide ban on firearms and weapons, if land is included in the contemplated proposal, the Legislature would need to engage with BGS on the parameters of what land should be included, and if weapons, including firearms, stored in vehicles parked on state land should be excluded from the ban.

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<sup>29</sup> Appendix A.

### *Sergeant at Arms*

Sergeant at Arms Agatha Kessler recognized that the Capitol Police have extensive experience and invited them to weigh in current practices and policy options for the report.

Currently the Capitol Police, without a criminal statute under which they could criminally cite someone, enforces the prohibition on weapons through voluntary compliance. A Capitol Police Officer will inform the individual of the prohibition under the Joint Rules and the State Facilities Rules, ask the individual to leave the building, secure the weapon and return without the prohibited item. Persons returning to the building are subject to search. Additionally, without a formal screening process, there may be instances where the public, witnesses, or members of the body carry a weapon into the building without detection. The Sergeant at Arms and the Capitol Police do their best to carry out the intent of the Joint Rules, understanding that the State House is an area where tensions can run high and conflict very well may occur.

If the Legislature were to enact a criminal prohibition against carrying guns and/or dangerous weapons, the Capitol Police, through the Sergeant at Arms' Office, recommend that weapons be securely stored offsite so the Department does not have the burden of storing a weapon for an individual. Additionally, if this law were enacted, the Capitol Police recommend that the land around the State House, including the State House Lawn, be considered.

### *Vermont League of Cities and Towns*

The League of Cities and Towns (VLCT) supports a default statewide ban on firearms on designated municipal buildings and properties if there is the ability for individual towns to opt out of the statewide ban. At its annual meeting in 2024, VLCT adopted a municipal policy that included the following statement:

*“Establish a default statewide ban on firearms in designated municipal buildings/property, from which an individual municipality may opt out.”*

This policy was almost universally embraced. At the annual meeting, one village tried to remove the language from the policy, and that attempt to remove the language failed by a nearly unanimous vote. This demonstrates that this policy is the will of the majority of the municipalities in Vermont. The policy voted on by VLCT membership did not include dangerous or deadly weapons. In conversations with VLCT, it was clear that further outreach would need to be conducted to its membership for VLCT to have a clear policy direction on the inclusion of dangerous or deadly weapons in a statewide ban.

It is important to municipalities that the community be able to opt out of the statewide ban on firearms. To opt out a community would hold a vote at its annual meeting. The statewide ban with local opt out is a model that Massachusetts recently adopted in 2024. The Massachusetts statute is discussed in greater detail below.

If the Legislature moves forward on a statewide firearm ban in municipal buildings, VLCT recommends the following definition for municipal buildings and property:

*Municipal Building: "A municipal building is any property owned or leased by a municipality, in whole or in part."*

If the Legislature considers including land in a ban, municipal forests should be expressly excluded from the statutory language. Cities and towns have long histories of allowing hunting on those types of public lands and it is important to continue to allow for that activity.

#### *Vermont Municipal Clerks and Treasurers Association*

The town clerks and treasurers have a similar perspective to other municipality viewpoints. The Vermont Municipal Clerks and Treasurers Association (VMCTA) has not voted or sent a query to its members on this question. Based on feedback from the VMCTA leadership, it is anticipated that town clerks and treasurers would not unanimously vote to support a statewide ban, particularly if it did not include an opt out. For town clerks, there was a vocalized concern for their safety since frequently they are in municipal buildings without a lot of other people, or they are in the building alone. This personal safety concern went in both directions, in favor and not in favor of a statewide ban on firearms and dangerous or deadly weapons. Town clerks have had experiences where an individual has brought in a gun or other weapon, and the clerk has felt unsafe. Also, some town clerks bring a personal gun with them to work because that makes them feel safer.

Town clerks would support opting out of a statewide ban via a vote occurring at annual meeting. They note that the warnings for most, if not all, town meetings for 2025 have been posted. They would want the vote to occur in 2026; and therefore the effective date for municipalities should be later in 2026, not upon passage.

## Additional Considerations

### *Dangerous or deadly weapons*

Act 120 did not ask for a recommendation on whether there should be a statewide ban on firearms and *dangerous or deadly weapons*; however, the State Facilities Rules, the Joint Rules, and many of the existing statutes address both. If dangerous or deadly weapons are included, the Vermont Secretary of State's office recommends that 13 V.S.A. § 4016 be used to define a dangerous or deadly weapon or that the definition be expressly written into the new section of the law. 13 V.S.A. § 4016(a)(2) defines a dangerous or deadly weapon as "any firearm, or other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury." Importantly, the State Facilities Rules already utilize this definition. The Legislative Joint Rules do not define dangerous or deadly weapons, but the Joint Rules do prohibit them.

### *State and Municipal Buildings*

The State Facilities Rules defines state buildings as "all State-owned or leased buildings, structures, and appurtenances under the jurisdiction of the Commissioner of Buildings and General Services as limited by the exceptions to jurisdiction in 29 V.S.A. § 152(9) and 29 V.S.A. Chapter 5A." The Legislature, if it chooses to pursue a statewide ban, would need to address if *all* state buildings are included. The State Facilities Rules exempts "State-owned buildings under the jurisdiction and control of the Department of Forests, Parks and Recreation, the Department of Fish and Wildlife, the Military Department, and property at State airports under the jurisdiction of the Agency of Transportation." 29 V.S.A. § 152(9). The Secretary of State's office did not talk to those exempted agencies; however, the assumption is that all state buildings would include all state-owned or leased buildings, even within those previously-exempted agencies, unless they are expressly exempted. Act 120 asked for a recommendation on the definition of a municipal building. Working with VLCT the definition that makes sense for a municipal property "*is any property owned or leased by a municipality, in whole or in part.*" When legislation is drafted, the committees of jurisdiction, and ultimately the whole body, will need to consider if the ban should be on properties, including land, or just within buildings, or just within a certain perimeter of a building.

## *Land*

When talking to stakeholders, the Secretary of State also asked their opinions about State and municipal land. Most stakeholders are in favor of including land in the statewide ban. BGS stated a preference to pursue amending the State Facilities Rules to include land within the existing prohibition that applies to State Buildings. At least two stakeholders talked about individuals being on State or municipal property but not within a building with a dangerous weapon and the stakeholder trying to grapple with what, if anything, could be done to prevent that conduct from continuing. We heard from stakeholders that particular State land should continue to allow possession of firearms, State Parks being the primary example because of this history of hunting on those lands. And, there are particular areas of State land where it would be helpful to have weapons prohibited, for example the State House Lawn and parking lots attached to state buildings; however, see the section about vehicles below. Municipalities would like the ability to prohibit dangerous weapons from many public spaces, playgrounds in particular. Municipalities would also like the ability to allow the possession of guns on certain municipal properties, for instance in municipal forests.<sup>30</sup>

## *Vehicles*

While engaging with stakeholders, many voiced concerns about firearms or other weapons that are stored in personal vehicles. Two threads related to weapons in cars emerged. First, nobody wants to have a citizen unintentionally tripped up into violating the law, and many Vermonters routinely carry and store weapons in their cars. Many people may not intend to violate the law. Still, they would not be aware that they needed to remove weapons from their vehicles before conducting business within a State or municipal building. Secondly, if a person intentionally or unintentionally brought a weapon onto State land or in a State or municipal building, stakeholders would like to instruct the individual to leave the building and secure the weapon in their car. During the legislative conversation about the polling location prohibition in Act 120, clerks clearly articulated concerns about confronting individuals carrying a weapon. The intent of public servants in these interactions is to de-escalate that situation and secure safety for themselves and other occupants in a building. The general feeling of stakeholders is that instructing people to return and secure a weapon in a vehicle meets that goal. Again, it is important to note that BGS did not provide specific recommendations about this topic as BGS would like to pursue an amendment to the State Facilities Rules to include land under the jurisdiction of

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<sup>30</sup> It is important to note that *Bruen's* requirement that a restriction on the Second Amendment should be based on a "historical tradition of prohibiting the carrying of dangerous and unusual weapons" makes analysis of how to apply a ban on public parks, particularly rural ones, more difficult. There is currently litigation on this issue moving through the court system. See, *Antonyuk v. Chiumento*, 2023 U.S. App. Lexis 32492; and, [National Recreation and Park Association: Urban Parks' Tradition of Firearm Regulation](#) (March, 2024)

the Commissioner. As noted above, it is BGS's current practice to request that individuals who carry in buildings leave to safely store their weapon in their vehicle or other secure location before returning.

#### *Personal Protection versus Misidentification*

There is an inherent tension between the personal desire of some to carry a weapon for personal protection and the concern by law enforcement, and others, about misidentification an escalated situation where it will not be clear to law enforcement who is a bad actor and who is there with the knowledge and skills to help. It is a fact that many municipal officials are in buildings with few other people and long response times from law enforcement. It is also true that many who carry do not have specialized training in responding to an active shooter with a weapon and when those individuals are not clearly identified as people with good intent, the risk of misidentifying them as the perpetrator of a bad act is high. There is not a clear or easy answer that resolves this tension. The Secretary of State's office wants stakeholders and legislators to know we heard these concerns and are conveying them as clearly as possible.

#### *Impact of Uniformity versus Local Choices*

Uniformity of law is easier to communicate and educate than a law that differs from property to property or town by town. In discussions with municipal stakeholders, the importance of local control was raised multiple times. This state is diverse, culturally, and geographically, and communities vary in population size. Additionally, communities have different law enforcement models and mixed access to prompt responses when needed. These stakeholders firmly believe that some municipalities may opt out, in whole or in part, in response to a statewide weapons ban for municipal buildings and property and that those local decisions will be based on the above factors and the citizens of the towns are best suited to make those decisions. Additionally, municipal stakeholders believe most towns will remain within the statewide ban. The downsides of enabling local decisions on weapons can be mitigated to an extent. Primarily through local education leading to a public vote and intentional, required signage.

## Other State Approaches to Firearms and Weapon Prohibitions

States around the country have established prohibitions against firearms, dangerous or deadly weapons, or both in state buildings, statehouses, and municipal buildings. Firearms are prohibited on U.S. Capitol Grounds.<sup>31</sup> Additionally, many states have enacted prohibitions against carrying firearms within their statehouses. The figure below shows the 26 states that have policies prohibiting public carry of long guns on some portion of capitol grounds and/or at political protests.



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As a way to limit the research and complexity of this report, we focused our in-depth review of state-specific firearms and dangerous weapons bans in several New England states. We reviewed New York, New Hampshire, Maine, Massachusetts, and Rhode Island. New Hampshire and Rhode Island do not prohibit firearms in their state capitol buildings, other state buildings, or municipal buildings.

### ***Broad Bans: New York and Massachusetts***

New York and Massachusetts broadly ban firearms from places owned or under the control of state or local government that are used for government administration. In both states, these prohibitions are part of comprehensive firearms legislation that deems these places “sensitive locations” or “prohibited areas” respectively, with criminal penalties for violation. Massachusetts, however, authorizes individual municipalities to vote to exclude municipal administrative buildings from being “prohibited areas.”

<sup>31</sup> 40 U.S.C. § 5104(e)(1)

<sup>32</sup> [Everytown Research & Policy](#): Which states prohibit the carrying of long guns at state capitols and/or demonstrations



## **New York**

In the wake of *Bruen*, a case originating from a New York ban, the State of New York criminalized possession of a firearm, rifle, or shotgun in a “sensitive location” when the individual knows or reasonably should know the location is a “sensitive location.”<sup>33</sup> Criminal possession of a firearm, rifle, or shot gun is a class E felony, potentially resulting in a prison sentence of up to four years.<sup>34</sup>

The New York Legislature specifically itemized twenty “sensitive locations.” First on the list is “any place owned or under the control of federal, state or local government, for the purpose of government administration, including courts.”<sup>35</sup> The list also identifies other categories of “sensitive locations” including schools, polling places, libraries, and assorted social service program locations. The New York list of sensitive locations extends to land, including public parks and playgrounds.<sup>36</sup> The public parks provision excludes forest preserves.<sup>37</sup> Interestingly, the New York list of prohibited locations also includes “any gathering of individuals to collectively express their constitutional rights to protest or assemble”<sup>38</sup>

Like in the majority of these laws, New York law exempts specific groups of people who are authorized to carry firearms in “sensitive locations,” including law enforcement, security, and military personnel.<sup>39</sup> Additionally, New York provided exemptions for people with a hunting permit or license and certain persons involved in the arts, education, historical preservation, ceremonies, or sports.<sup>40</sup>

## **Massachusetts**

In 2024, Massachusetts recently banned the possession of a loaded or unloaded firearm in a “prohibited area,” where the possessor knows or reasonably should know that the location is a prohibited area.<sup>41</sup> The Massachusetts Legislature identified two types of “prohibited areas.”<sup>42</sup> A prohibited area means “a place owned, leased, or under the control of state, county or municipal government” if that place is used “for the purpose of government administration, judicial or court administrative proceedings, or correctional services.”<sup>43</sup> This includes use in or on any part of the buildings, grounds, or parking areas of

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<sup>33</sup> N.Y. Penal Law § 265.01-e

<sup>34</sup> N.Y. Penal Law § 70

<sup>35</sup> N.Y. Penal Law § 265.01-e (2)(a)

<sup>36</sup> N.Y. Penal Law § 265.01-e (2)(d)

<sup>37</sup> *Id.*

<sup>38</sup> N.Y. Penal Law § 265.01-e (2)(s)

<sup>39</sup> N.Y. Penal Law § 265.01-e (3)

<sup>40</sup> *Id.*

<sup>41</sup> M.G.L.A. c. 269, § 10(k)(1)

<sup>42</sup> M.G.L.A. c. 269, § 10(k)(2)

<sup>43</sup> *Id.*

these places, but excludes state-owned public land that is available to the public for hunting.<sup>44</sup> This provision includes state buildings and municipal buildings because it includes *all* government administration. The second type of “prohibited area” is polling locations, including locations where ballots are stored and tabulated during traditional election days and during early voting.<sup>45</sup> This protection extends within “150 feet of the building entrance door to the polling place or early voting site.”<sup>46</sup>

The Massachusetts ban contains two exceptions allowing for possession of a firearm. As seen in other state laws, the first is for qualified law enforcement officers and security guards.<sup>47</sup> However, that exception is limited to law enforcement and security guards who are employed at the prohibited area while “at the location of their employment and during the course of their employment.”<sup>48</sup> The law also clarifies that it does not limit the authority of other state and local government entities to adopt further restrictions for law enforcement and security guards possessing a firearm by policy.<sup>49</sup> The second exception is for an individual who is legally authorized to possess a firearm, which under Massachusetts law requires a license, can securely store that firearm in a vehicle within a prohibited area.<sup>50</sup> In Massachusetts, an licensed individual can carry a loaded firearm in a car if it is secured under specific conditions.<sup>51</sup>

Municipalities in Massachusetts can opt-out of the statewide ban.<sup>52</sup> A municipality may vote to exclude its buildings or polling locations from being a “prohibited area.”<sup>53</sup> This vote is held consistent with Massachusetts General Law, Chapter 4, Section 4, which states:

*Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting.*<sup>54</sup>

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> M.G.L.A. c. 269, § 10(k)(5)

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> M.G.L.A. c. 269, § 10(k)(4)

<sup>51</sup> M.G.L.A. c. 140, § 131C (under the control of the individual) and M.G.L.A. c. 140, § 131L (stored in a locked container or firearm has a safety device making the weapon inoperable)

<sup>52</sup> M.G.L.A. c. 269, § 10(k)(2)

<sup>53</sup> *Id.*

<sup>54</sup> M.G.L.A. c. 4, § 4.

Massachusetts made a statewide firearm ban a criminal offense. Penalties under this provision may include fines up to \$1000, incarceration up to two and one-half years, or both.<sup>55</sup>

## **PARTIAL BANS**

A partial firearm ban does not cover all state buildings and does not extend to municipal buildings. Both Connecticut and Maine ban the possession of firearms in the state's capitol building. Neither Connecticut nor Maine extends its firearms ban to other state or municipal buildings. Although, Connecticut generally requires a permit to carry a firearm outside one's home or business.

### ***Connecticut***

Connecticut criminalizes possession of firearms if it interferes "with the legislative process." The Connecticut statutes define "interfering with the legislative process" as using "force, physical interference, fraud, intimidation, or other unlawful means to prevent or attempt to prevent the General Assembly, either house thereof or any committee of the General Assembly or either house thereof, from performing any of his official functions, powers or duties."<sup>56</sup> Connecticut also defines "interfering with the legislative process" as bringing a loaded or unloaded firearm into, or possessing a firearm within, any building that contains the General Assembly's chambers or offices and any building in which a committee's public hearing is being held.<sup>57</sup> The statute also prohibits carrying a "switchblade, gravity knife, blackjack, bludgeon, metal knuckles, or any other dangerous or deadly weapon or instrument, or any explosive or incendiary or other dangerous device."<sup>58</sup> Violation of this law is a class D felony under Connecticut law, with a prison term of up to five years.<sup>59</sup> It is also a crime to "coercing performance" by "compelling or inducing member, officer or employee of the General Assembly" to violate the ban against firearms, dangerous weapons, or other violence.<sup>60</sup>

The law makes exceptions for police officers carrying out official duties and those summoned to assist them, members of the U.S. armed forces performing official duties, and veterans performing as an official ceremonial unit.<sup>61</sup> However, there is no exception for those holding a firearms permit as required by Connecticut law, which generally requires a permit to carry a pistol or revolver outside of one's home or business.<sup>62</sup>

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<sup>55</sup> M.G.L.A. c. 269, § 10(k)(3)

<sup>56</sup> Conn. Gen. Stat. § 2-1e(a)

<sup>57</sup> Conn. Gen. Stat. § 2-1e(c)(1)

<sup>58</sup> Conn. Gen. Stat. § 2-1e(c)(2)

<sup>59</sup> Conn. Gen. Stat. § 53a-35a

<sup>60</sup> Conn. Gen. Stat. § 2-1e(b)

<sup>61</sup> Conn. Gen. Stat. § 2-1e(c)(1)

<sup>62</sup> Conn. Gen. Stat. § 29-35

## **Maine**

Maine is an open and concealed carry state. It has no broad statutory prohibitions on carrying firearms in state or municipal buildings. Similar to Vermont, municipalities are not allowed to regulate firearms in any manner except the regulation of the discharge of a firearm, which must conform exactly with state law.<sup>63</sup>

However, Maine statute authorizes its Commissioner of Public Safety to adopt rules, subject to the Governor’s approval, “governing the security regarding use and occupancy of all parks, grounds, buildings, and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta.”<sup>64</sup> The relevant rule as adopted prohibits any person, except a police officer on duty, from carrying firearms and other weapons “which by their nature are capable of being used to destroy or injure a person or property” in the capitol area. “Capitol area” is defined as “the land, building, personal property and facilities owned, leased, occupied, used or possessed by the State in or detailed in 1 M.R.S.A. § 814. In that statute specific buildings are listed by name, including the district court building, state police barracks, and certain historical sites; and “any other state-controlled locations,” owned, leased, or “just used” by the state within the Augusta city limits.<sup>65</sup>

Maine statute also authorizes its Legislative Council to adopt rules governing security of legislative offices.<sup>66</sup> The current Legislative Council Policy on Security Screening Protocols for the Maine State House prohibits several items including “weapons or ammunition of any kind” and any “substance or items that could reasonably, in the judgement of Capitol Police present a significant risk to people or property.”<sup>67</sup> This policy also established a robust screening process, including naming certain positions that are exempt from screening measures and creating a priority screening access card for certain classifications of individuals who are in statehouses (lobbyists, agency staff, media, etc) after they submit an application and pass a criminal background check.<sup>68</sup>

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<sup>63</sup> 25 M.R.S.A. § 20111(2) and (3)

<sup>64</sup> 25 M.R.S.A. § 2904

<sup>65</sup> 1 M.R.S.A. § 814

<sup>66</sup> 25 M.R.S.A. § 2904

<sup>67</sup> <https://legislature.maine.gov/doc/3437>

<sup>68</sup> Id.

## Recommendation and Conclusion

After hearing from named stakeholders, reviewing Vermont law and federal case law, examining approaches from our sister states, and engaging careful consideration the Vermont Secretary of State recommends that Vermont enact a statewide ban against possessing or carrying a firearm or other deadly or dangerous weapon on State or municipal property. We recommend the Legislature consider the following while drafting and analyzing the impacts of this potential law:

1. **Definition of State Property:** Act 120 (2024) asked our office to analyze if firearms should be banned from State buildings. We recommend that the Legislature consider expanding the ban to State property. This would mean that those weapons would not be allowed on the majority of the State complex, including the State House Lawn. It would also mean that the majority of spaces around State buildings would be protected areas. We recommend exempting public parks and land that has been historically used or is currently used for hunting.
2. **Definition of Municipal Property:** Similarly, we recommend the Legislature consider expanding the ban to municipal property. Again, we recommend exempting municipal parks and land that has been historically used or is currently used for hunting. Of course, municipalities could still regulate the discharge of a firearm within its jurisdiction.
3. **Municipal Opt Out:** We recommend that municipalities be allowed to opt out of the statewide ban by a vote at the annual meeting. This vote should occur in the manner the municipalities vote on all other public questions. The vote could be about specific municipal buildings or a vote related to all municipal buildings. While this could mean that a particular town flip-flops between being included in or excluded from the statewide ban the value of local control outweighs that concern. It is clear local control on this issue will mean municipalities will have an easier time embracing the ban and potentially customizing it to fit their specific community needs. It is our opinion that building the law this way does not require modification of the 24 V.S.A. § 2295. We find this because the law states that “*except as otherwise provided by law*, no town, city, or incorporated village, by ordinance, resolution, or other enactment” cannot restrict an individual's ability to carry a firearm or other weapon. Because this would be a newly enacted law at the state level it is arguable that 24 V.S.A. § 2295 does not apply at all. To the extent that 24 V.S.A. § 2295 does apply, there would be a state law that provided municipalities authorization to restrict an individual’s ability to carry a firearm or other weapon in their jurisdiction.
4. **Vehicle Exception:** We recommend that the law carve out an exception for the storage of a firearm or other weapon in a locked vehicle. We recommend this

provision because of Vermont's strong hunting traditions. Additionally, we heard from stakeholders that they do not want to secure or store weapons when people enter the building with them. It would be far better if the individual could be instructed to leave the premises to secure the weapon in their vehicle, and then be able to return.

5. **Definition of Deadly or Dangerous Weapon:** While we recommend defining deadly or dangerous weapons based on the provisions found in 13 V.S.A. 4016, we think for ease of explanation it would be beneficial for the State and municipalities to have the definition of those weapons in the same section of the law.
6. **Exemptions from the Bans:** We recommend that only certified law enforcement be exempt from a statewide ban on firearms and other weapons in State and municipal buildings. In our view, the exemption should be limited to when those certified individuals are carrying in their official capacity or employment.
7. **Sign Requirement:** We recommend a sign requirement for State and municipal buildings. Signs are crucial to inform citizens of the new law and provide clarity on when the law may shift between different municipal buildings or land within a particular municipality or from one municipality to another municipality.
8. **Effective Date:** We recommend the effective date not be upon passage or July 1 of a particular year. We estimate that the State of Vermont would need at least six (6) months to develop protocols and procure signs to inform citizens of the statewide ban. For municipalities, we recommend the provisions related to them have an effective date of at least a year after legislation is passed. This implementation time will allow all communities to understand the implications of the ban including inventorying their buildings and property. Municipalities interested in opting out of the statewide ban would have an opportunity to vote on whether they should opt out and if they do, will the opt out extend to all of their properties or only an enumerated list. Additionally, all municipalities will also need to time to educate their citizens, develop protocols, and procure signs.

Safety within government spaces is important in a well-functioning democracy. Safety means something different to every individual and every community; however, as rhetoric and instances of gun violence increase, it is becoming clearer that individuals, who are not law enforcement, carrying guns in these sensitive areas do not create a feeling of safety for many. Vermont must keep the safety of citizens and public servants as they conduct business with and for government as its top priority. Through this engagement process it seems clear that there is interest at all levels of government in engaging on the issue of whether these public spaces should be free of dangerous or deadly weapon.

Thank you for the opportunity to research this topic, discuss this important issue with stakeholders, and to provide a recommendation to the General Assembly on behalf of Vermonters.

# Appendix A: Letter from BGS Commissioner Wanda Minoli



**State of Vermont**  
**Department of Buildings and General Services**  
Commissioners Office  
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*Agency of Administration*

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To: Office of the Secretary of State

From: Commissioner Wanda Minoli

Date: January 10, 2025, *amended January 22, 2025*

Subject: Act 120 Report

Thank you for consulting with the Department of Buildings and General Services regarding the report required under Section 7 of Act 120 of 2024.

Firearms and other weapons are already prohibited in State Buildings. Pursuant to 29

V.S.A. §152(14), the Commissioner of Building and General Services (BGS) can adopt rules to govern access to and conduct upon the grounds and within the structures and buildings that fall within his or her jurisdiction. The Commissioner is empowered to adopt rules that address firearms and explosives in State buildings under his or her jurisdiction. This includes property leased to the State under the jurisdiction of the Commissioner.

The State Facilities Rules (Rules) were promulgated pursuant to the above referenced statute. Provision 5 prohibits firearms, explosives, and other dangerous weapons in State Buildings. This prohibition has been in effect since at least 1999, and the language is copied below:

## Firearms, Explosives and Other Dangerous Weapons

Firearms, explosives, dangerous weapons or the components to fabricate such devices whether in open or concealed possession are prohibited in State Buildings. Vermont Criminal Justice Training Council (VCJTC) certified law enforcement officers, as defined in 20 V.S.A. §2358 and Capitol Police Officers who have successfully completed the firearms safety program provided by VCJTC are exempt from this provision, unless otherwise provided by law. Instructors and participants in educational or training classes conducted by the Agency of Natural Resources or the Department of Fish and Wildlife may be exempt from this provision upon the Commissioner's receipt and acknowledgment of written notification of such classes

from the Agency of Natural Resources or the Department of Fish and Wildlife. Hunting on State Grounds shall be allowed except as posted as per the laws, rules and regulations of the General Assembly and the Department of Fish and Wildlife.

*Note: The Rules define “dangerous or deadly weapon” by reference to 13 V.S.A. §4016.*

The prohibition against firearms and other dangerous weapons is enforceable as a duly adopted administrative rule, and the prohibition has functioned well to date. BGS has observed that typical instances in which persons have attempted to bring firearms and other weapons into State

Buildings were accidental or otherwise did not involve threats or acts of violence, and individuals have been compliant when asked to leave the building to safely store the weapon. To summarize, firearms, explosives, dangerous weapons or the components to fabricate such devices are currently prohibited in State Buildings. This analysis revealed a potential gap in the Rules in that the prohibition applies only to State Buildings and does not explicitly include land or parking lots around buildings. BGS would like the opportunity to assess extending the prohibition to State Facilities and State Grounds and pursue amending the Rules through the administrative rulemaking process. BGS does not take a position on whether the prohibition should be extended to municipal buildings, which are not under the jurisdiction of the Commissioner of BGS.