

VTFSC Testimony
H.606
House Judiciary, March 11, 2026

For the record, my name is Chris Bradley, I am the President and Executive Director of the Vermont Federation of Sportsmen's Clubs, and I have the honor of representing 45 members clubs across Vermont in addition to the 14,000+ members.

The VTFSC strongly opposes this bill as introduced.

Section 1 – Amend 13 VSA § 2501

Make it a Felony to Steal a Firearm of Any Value

The Federation generally looks favorably on the concept of getting tough on crime.

However: We question why this bill references the definition of a “firearm” from [13 VSA § 4016](#) (Weapons in Court) as opposed to [13 VSA § 4017](#) (Prohibited Persons), which is the definition used in Sections 2 and 3. 13 VSA § 4016 defines what a “firearm” is regarding one being found in a Court of Law. As a reminder here: The Supreme Court of the United States (SCOTUS) has specifically ruled that Courts are sensitive places, perhaps requiring a very expansive definition of what constitutes a firearm.

[13 VSA § 4017](#) (see Section 2) however defines what a firearm is regarding a “prohibited person”, and that definition is less expansive. By the 4017 definition, antique firearms, replicas of antique firearms, and black powder guns are exempt from being called firearms.

We respectfully but strongly request that the referenced definition of firearm in this proposed amendment to 13 VSA 2501 be changed to point to 13 VSA § 4017 as opposed to 13 VSA § 4016. The primary point being that the firearms that are exempted by 13 VSA § 4017 are not seen as being used in crime.

While every firearm has some value, and some number of the firearms exempted by 13 VSA § 4017 may be worth well over the \$900 value that would currently trigger [13 VSA § 2501](#) anyway, a significant number of firearms that are exempted are not worth the \$900 value that would currently trigger 13 VSA § 2501, and by the 13 VSA § 4017 definition: They are not even considered a firearm. That is not to say that they could not be prosecuted, they could still be charged under 13 VSA § 2501 (Grand Larceny) or 13 VSA § 2502 (Petit Larceny), based on the value of the firearm.

Stealing a rusty wall-hanger musket that may be unsafe to fire, but which would qualify as a “*firearm of any value*”, may be worth significantly less than \$900 and should not automatically be considered a felony.

As another point of consideration, we foresee a situation where the State could prosecute a criminal who steals a firearm under the proposed amendment to 13 VSA § 2501, while at the same time the State could also possibly prosecute the victim of that theft under 13 VSA § 4024 (Negligent firearms storage).

If a person were ever charged under Grand Larceny for stealing a firearm, we suggest that 13 VSA § 2501 be further amended to include (c) with language similar to:

(c) Charging a person under this section will disallow the victim of the theft from also being prosecuted under 13 VSA § 4024.

In the final analysis, a firearm is just another piece of property and making it an automatic felony regardless of its actual value seems out of line with the stealing of any other type of object that could be used as a weapon.

Section 2 – Amend 13 VSA § 4017

Increase 2nd and Subsequent Offense for Prohibited Persons

The VTFSC offers no objection to this section.

Section 3 – Amend 13 VSA § 4017a

Court Ordered Firearm Possession Prohibition

In reviewing the new sections (5)(A) and (5)(B), we see that these sections conform to existing Federal Law as specified in [18 USC § 922\(g\)](#). Likewise, the first part of (5)(C) also parallels 922(g).

We are concerned however over the 2nd part of (5)(C) which states “*or a nonhospitalization order issued by the court pursuant to 18 VSA § 7617(b)(3).*”

Under Vermont Law, per 18 VSA 7617a (Reporting; National Instant Criminal Background Check System): 18 VSA 7617(b)(1), (b)(2) and (b)(3) all require that the Court Administrator report the person who is subject to the order to the National Instant Criminal Background Check System (NCIS).

18 USC 922(g)(4) bars possession by individuals who are “adjudicated as having a mental defect or who has been committed to a mental institution.” Historically, both the ATF and federal courts interpret “committed” to mean formal involuntary commitment, not “nonhospitalization” or “outpatient therapy.” Further, firearm prohibitions for prohibited people focus on people who are dangerous or confined, not people who are allowed to live in the community who may be under treatment.

This creates a situation where Vermont Law would cause a person to fail a background check when that failure is not disqualified under 18 USC 922(g). A person caught in this dilemma would be required to request an expungement from NCIS, when it should have never been reported to NCIS in the first place.

Section 4 – Amend 13 VSA § 4022

Prohibit Machine Guns and Rapid-Fire Devices

When the Federation was initially informed that a bill would be forthcoming concerning machine guns, we understood that the primary concern was to address “Glock Switches”, or devices which, when installed into a Glock, would allow the firearm to become fully automatic as opposed to being semi-automatic.

Per existing Federal law, it is illegal to make a machine gun or to possess a non-registered machine gun, a crime that is punishable by not more than 10 years and/or a fine up to \$250,000. Federal charges regarding machine guns can also be “stacked,” such that a person can be charged under 26 USC 5861(d) (Possession of an unregistered machine gun) as well as 18 USC 922(o) (Illegal possession of a machine gun).

Currently: 37 states, including Vermont, allow for the legal ownership of machine guns. Obtaining one is not simple, not only because the number of machine guns that can be legally owned is a finite number (175,000 to 180,000) and are therefore ridiculously expensive to purchase, but also because the process to own one is far more expansive than a “normal” background check.

One of the types of “devices” that can be legally registered as a machine gun with the ATF is an auto-sear. While we can determine from the ATF the number of legally registered machine guns in Vermont, we cannot tell what they are because there is a Tax involved, which makes that information private.

Beyond that, “auto sears” can also be legally owned by Special Occupational Taxpayers (SOT) Class 7 FFLs, and as of this year, there are 12 such FFLs in Vermont.

As a simple matter of history: The VTFSC is not aware that there have been any instances of legally owned machine guns ever being used in crime here in Vermont. As far as the use of legally owned machine guns being used in crime: We are only aware of two (2) instances in the entire US, making crimes with legally owned machine guns more than just rare.

Beyond the problems in the re-written section regarding machine guns, we have serious problems with the definition of “Rapid-fire device” as found in (a)(3).

For many years, triggers on firearms have allowed for the pressure required on the trigger that makes a firearm fire to be adjusted, allowing the trigger to be made “lighter” or “heavier.” Making a trigger heavier would require the person shooting

the firearm to exert more pressure on the trigger to make the firearm fire. Conversely: Making a trigger “lighter” would require less pressure. The bottom line is that a trigger set to require 7 lbs. of “pull” to fire the firearm will not operate as fast as a trigger with a 2.5 lb. trigger “pull.”

Legal triggers can also have a “positive reset.” This feature puts a slight amount of forward force on the trigger once it has been used to fire the firearm, essentially pushing the trigger finger forward slightly, allowing the shooter to use less energy to move their finger forward thereby allowing the trigger to reset, that would then allow the trigger to be “pulled” again.

By the definition of “rapid-fire device,” an adjustable trigger would qualify as a device that could increase the rate of fire, so the legal installation of an adjustable trigger would become illegal.

In rifles like the AR-15, when the rifle is fired, gas that results for the propellant being ignited forces the bolt back against a recoil buffer that compresses a spring behind the bolt which, after being compressed, forces the bolt forward. Depending on how “hot” the ammunition being used, simply changing the recoil buffer can increase the rate of fire.

In its simplest form, the index finger of a shooter is a “rapid-fire device,” because the more one exercises their trigger finger – the faster they can actuate a trigger. With practice, shooters can achieve rates of fire on the order of 8 shots in 1 second – with a revolver (a firearm that is neither a semi-automatic nor a fully automatic).

A common rubber band can be used as a “rapid-fire device”, as seen in [this video](#).

Even without a rubber band: Almost all semi-automatic rifles can be “bump fired” – a technique that DOES NOT use a “Bump Stock” - to achieve faster shooting without ANY device being used.

The VTFSC does believe Vermont Law Enforcement to be put into a position to decide what is or is not a “rapid fire device” when it is almost impossible to

determine without disassembly if a rapid-fire device is installed, or through achieving “rapid fire” with no device at all.

The framework provided by the Bruen decision, combined with the Heller decision, has led to courts to reason that items necessary for a firearm to function, such as triggers or stocks on a rifle, items which are necessary for a firearm to function, likely fall under the definition of “arms”, and are thus protected by the second amendment – so long as those components do not allow for fully automatic fire.

We believe that Vermont should parallel Federal Law by simply stating that making a machine gun is illegal, and leave out attempts to define what a “rapid-fire” device is, when it can be an index finger.

Section 5 – New Subchapter 5 – 13 VSA § 4091, § 4092 and § 4093 Liability for Public Nuisance Firearm Lawsuits

The Protection in Lawful Commerce in Arms Act, also known as PLCAA, was passed by Congress in 2005. What PLCAA was designed to do was to prohibit lawsuits against gun retailers and manufacturers for things that could happen with their products when those products were later used in illegal activity by third parties. PLCAA does not shield a firearm industry member from wrongdoing such as knowingly violating federal law, failing to maintain records, selling to a prohibited person, or making defective products. Instead, it targets lawsuits that attempt to blame lawful businesses for unlawful misuse by others.

[15 USC § 7903\(5\)\(A\)\(iii\)](#) however does allow civil lawsuits against gun manufacturers or sellers if they knowingly violated a state or federal statute specifically applicable to the sale or marketing of firearms, and that violation proximately caused the plaintiff’s injuries. This is referred to as a “predicate exception.”

Because of that predicate exception, in recent years several states have attempted to bypass PLCAA by drafting statutes that define certain firearm industry practices as “public nuisances,” and such laws attempt to reframe traditional liability standards to open the door for unlimited litigation against manufacturers and sellers.

To be crystal clear, PLCAA states in [15 USC 7902\(a\)](#): “**A qualified civil liability action may not be brought in any Federal or State court,**” yet that is exactly what section 5 attempts to open the door for.

To support section 5, proponents have pointed to *NSSF v James*, a case that was decided on July 10th, 2025 by the United States Court of Appeals for the 2nd Circuit, which upheld a ruling by the US District Court for Northern District of New York, with that opinion stating that PLCAA did not apply when a state passed a law that specifically allowed nuisance lawsuits to occur.

At issue was New York General Business Law § 898, which imposed civil liability for gun industry members who knowingly or recklessly endanger the safety or health of the public through the sale or marketing of firearms.

When § 898 was enacted, the Governor of New York stated that New York wanted to “**reinstate the public nuisance liability for gun manufacturers,**” something that PLCAA forbids states from imposing, to “**right the wrong**” New York believed Congress committed in passing PLCAA.

Just so you all know: A petition to review the 2nd Circuit’s decision in *NSSF v James* was filed with the Supreme Court of the United States (SCOTUS) on February 20th, 2026. That petition asks the question “**Whether the PLCAA’s predicate exception allows parties to bring the same common-law-style suits against firearms industry members that Congress enacted PLCAA to prohibit, so long as states codify these general common-law principles in a statute that applies to commerce in arms.**”

That petition states: “**Simply put, nothing in the PLCAA compels the nonsensical conclusion that the predicate exception empowers states to sneak in through the back door the very claims that Congress tossed out the front.**”

It further states: “**The notion that Congress simultaneously greenlighted suits advancing exactly the same unfounded theories, so long as they are initiated under a statute that codifies the same general common-law principles that it found do not support them, defies common sense.**”

As opposed to the 2nd Circuit decision Court of appeals decision on PLCAA, there is a case out of the Pennsylvania Supreme Court that also dealt with PLCAA, a case called *Gustafson v Springfield* which was decided on March 31, 2025.

Per the Pennsylvania Supreme Court: “***Instantly, we find that the PLCAA contains an express preemption clause, which explicitly preempts state law relative to qualified civil liability actions.***” The Pa Supreme Court found that PLCAA was constitutional, and that it prevents what Section 5 intends to do.

A central question to Section 5 is whether Vermont should pass legislation that intentionally attempts to work around Federal Law. The clear answer to that question is a firm and resolute **NO** due to Article 6, Clause 2 of the US Constitution, better known as the Supremacy Clause.

The Supremacy Clause specifically states: “***This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.***”

In a separate 5-page document that I have submitted with this testimony, the VTFSC has provided a preliminary analysis of the negative effects of Section 5 on Vermont Firearm Manufacturers, FFLs, stores that sell select “firearm accessories” and even Vermont citizens should they ever choose to sell a firearm: The wording of PLCAA is clear and unambiguous, such that Section 5 is, quite simply, unconstitutional.