

Report to The Vermont Legislature

From the Firearms Surrender Compliance Workgroup Report

In Accordance with Act 64 (2025) (link) §24

Submitted to: House and Senate Committees of the Judiciary

Joint Legislative Justice Oversight Committee

Submitted by: Firearms Surrender Compliance Working Group

Prepared by: Carolyn P. Hanson, Assistant Attorney General and

Committee Chair

Report Date: November 15, 2025

Introduction

This report has been prepared in accordance with Act 64 (S.109) of 2025 (link), §24 which states:

The Office of the Attorney General shall convene a Firearm Surrender Order Compliance Working Group to develop a uniform process to ensure compliance with court orders to surrender firearms. The Working Group shall examine the statutory or policy changes necessary to create a uniform process to monitor compliance, support entities charged with storing and returning surrendered firearms pursuant to court orders, and identify a stable and reliable funding source for any additional resources needed to monitor compliance.

The group was authorized to meet six times and to submit a report of its recommendations by November 15, 2025. The goal of the report as set forth in the statute is:

- (1) a workable statewide compliance model that is adaptable to both the Family and Criminal Divisions of the Superior Courts and that ensures:
 - (A) accountability of respondents and defendants while addressing safety needs of the plaintiffs and victims; and
 - (B) proper storage and return of firearms surrendered pursuant to court orders; and
- (2) recommendations for any legislative changes necessary to support the model.

Members of the Group

The statutorily required members and the persons appointed from each are as follows:

- 1) The Attorney General or designee, who shall be the chair: Carolyn Hanson, Assistant Attorney General
- 2) The Chief Superior Court Judge or designee: Chief Superior Judge Thomas Zonay
- 3) The Defender General or designee: Marshall Pahl, Deputy Defender General
- 4) One State's Attorney or designee, appointed by the Department of State's Attorneys and Sheriffs: Kim McManus, Legislative and Policy Attorney
- 5) A member, appointed by the Vermont Network Against Domestic and Sexual Violence: Sarah Robinson, Co-Executive Director
- 6) A member of the Vermont State Police, appointed by the Commissioner of Public Safety: Lt. Col. James Whitcomb
- 7) A police chief, appointed by the Vermont Association of Chiefs of Police: Chief Shawn Burke, Burington Police Department
- 8) A federal firearms licensee (FFL), appointed by the Attorney General: Henry Parro, Owner of Parro's Gun Shop
- 9) The Vermont Center for Crime Victim Services: Megan Kinlock, Grants Manager
- 10) The Vermont Council on Domestic Violence: Heather Holter, Co-Director

Consulting Partners

By statute, the Working Group was required to consult with the following stakeholders: (1) the Commissioner of Corrections; (2) family law practitioners; (3) victim advocates; (4) advocates from culturally specific advocacy organizations that work with domestic violence victims; (5) the Vermont Federation of Sportsmen's Clubs; (6) the Vermont Office of the Bureau of Alcohol Tobacco and Firearms; (7) the Vermont Medical Society; (8) the Commissioner of Mental Health; (9) the Commissioner of Fish and Wildlife.

At the first meeting, the Working Group decided to consult with these stakeholders by reaching out to them by email to notify them of the statutorily mandated Working Group and its charge. We invited them to submit comments and/or attend meetings. We also designated the September meeting as a specific date to invite their participation and sent a follow-up email reminding them of the date. Consultants were given the option to participate remotely and sent a link to do so.

The Working Group received written comments from the Vermont Federation of Sportsmen's Clubs, which is attached in the appendix. The following consultants attended the September meeting either remotely or in person and provided oral comments: Chris Bradley, President and Executive Director of the Vermont Federation of Sportsmen's Clubs; Jenna Reed, representing Commissioner Col. Steadman from Fish and Wildlife (no comments); and Eddie Poff, staff attorney for the Vermont Network Against Domestic and Sexual Violence Legal Clinic, representing family law practitioners. Mandy Wooster, Executive Director of Policy Development for the Department of Public Safety, also attended this and all other meetings and offered oral comments.

Meetings

The Working Group met five times at the Waterbury State Office Complex. The first meeting was held in person with a remote link for public comment and participation. Subsequent meetings were a combination of in-person attendance and remote participation by members. Meetings were held on the following dates:

- (1) July 11, 2025
- (2) August 14, 2025
- (3) September 19, 2025
- (4) October 16, 2025
- (5) November 13, 2025

The group began by discussing shared purposes and values and identified the following points of focus: service of process, opportunities for firearms surrender after a final Relief From Abuse (RFA) order is issued, compliance monitoring, and safe return of firearms. We identified several types of data to collect and then discussed the data that our Working Group obtained. As a result of that data and some brainstorming, we were able to further refine the areas of focus. We then invited consultants to address the group and incorporated their feedback into the discussion. At our fourth meeting, we began to outline recommendations which were finalized at our last meeting.

Recommendations

After examining the statutory or policy changes necessary to create a uniform process to monitor compliance and support entities charged with storing and returning surrendered firearms pursuant to court orders, the Working Group recommends the following:

Model Law Enforcement Protocol for Firearms Access:

- The Commissioner of Public Safety should direct the Law Enforcement Advisory Board, in consultation with stakeholders, to develop and promote adaptation and implementation of a model law enforcement protocol for addressing firearms access by domestic violence perpetrators who are prohibited from possessing firearms by RFA orders or other legal prohibitions.
 - The model protocol should include the following topics:
 - o Legal removal of firearms at the scene of a domestic violence incident.
 - Steps for inquiring about and lawfully obtaining firearms in conjunction with service of RFA and other protective orders.
 - A clear, safe, and fair process, including forms and delineated roles/responsibilities, for FFL storage of firearms from prohibited defendants. This process should include ensuring that the FFL knows the reason for storage of the firearm and is told when a requested transfer to an eligible third party has been approved by the court.
 - A process to collect information regarding whether firearms were obtained and the type and number of firearms obtained for each protective order served, as well as a mechanism to allow access to this information for law enforcement and prosecution purposes.
 - A mechanism to ensure a reasonable attempt is made to notify the plaintiff regarding the outcome of service of RFA orders, including related to which, if any, firearms were surrendered.
 - o Appropriate handling and storage of firearms.
 - Law enforcement agencies should be required to adopt the model protocol within six months following the Law Enforcement Advisory Board's issuance. Agencies shall adopt a policy or policies that include, at a minimum, each component of the protocol. Agencies may include additional provisions that are not in conflict with the provisions of the protocol.

Additional Policy Recommendations:

- 2. The Legislature should consider **expanding the use of VINE** (Victim Information and Notification Everyday) to provide notification to plaintiffs regarding service of RFA orders, including information about whether firearms have been surrendered and if so, the type and number and to whom.
- 3. The Judiciary should consider amending the return of service form to include:

- Space to describe the types of firearms obtained during service of protective orders.
- Information about whether the serving agency has made a reasonable attempt at notifying the plaintiff regarding both the outcome of service and whether firearms were obtained.
- 4. The Judiciary should develop, in consultation with stakeholders, **information to provide defendants upon issuance of a final protective order regarding the firearm prohibitions and relinquishment requirements** that may attach to the order, as well as how to comply with the requirements and provide proof to the court.
- 5. Courts should **orally inform all defendants that they may not possess, control, or purchase firearms for the duration of the RFA order prohibiting firearms and that they must immediately surrender ALL firearms that defendant owns, possesses, or controls as directed by the court. (Paragraph 10 of the final RFA order.)**
- 6. Courts should consider informing the parties, upon dismissal of an RFA order, that the firearms prohibition is no longer in effect.
- 7. If a defendant requests to have a third-party store their firearms, the request filed with the court should include a required background check of the third-party.
 - A protocol is needed to specify who conducts the background check, who must request it, and a deadline for submission.
 - The Working Group recommends that the Judiciary amend the existing Motion and Affidavit to Modify RFA Order To Permit Third Party to Hold Firearms to include a certification and NICS number to indicate that the background check has been completed.
 - The Working Group recommends creating an informational brochure for defendants and proposed third parties that outlines exactly what is needed for a background check. For example, that a background check must be carried out in person and the proposed person must have a valid Vermont driver's license.
- 8. The Judiciary should include information about firearms surrender in the updated RFA video that is currently under development.
 - The court calendar should be arranged to ensure that litigants are able to view the video in court or online before their hearings.
- 9. The Judiciary should develop a process to share and track information regarding firearms that is documented on the return of service form.
- 10. Develop a process for monitoring defendants' compliance with firearms prohibitions. The Working Group recommends creating a form that is attached to all temporary RFA orders requiring firearms surrender and all final RFAs (including in cases with no firearms prohibition in a temporary RFA order) that capture defendant's status of compliance.

Legislative Recommendations:

To effectuate a workable statewide compliance model that is adaptable to both the Family and Criminal Divisions of the Superior Courts, one that ensures both accountability of respondents and defendants while addressing safety needs of the plaintiffs and victims, and the proper storage and return of firearms surrendered pursuant to court orders, the Working Group recommends the following legislative actions:

- The Legislature should authorize funds for the creation of two law enforcement positions to conduct compliance checks for individuals who have not completed the form proposed in Recommendation #10 regarding the status of their firearms possession.
- The Legislature should hold a hearing to discuss the recommendations of the Working Group.
- The Working Group recommends that the Legislature should amend 20 VSA §2307 to:
 - a) Specifically provide law enforcement agencies with discretion to transfer non-evidentiary firearms to an FFL for storage after issuance of a final protective order.
 - b) Direct the Commissioner of Public Safety to instruct the Law Enforcement Advisory Board, in consultation with stakeholders, to develop procedures for such transfer and storage.
 - c) Enlist FFLs to provide storage for firearms only after a final order is issued (unless the storage request comes directly from the defendant who agrees to pay the full cost of storage including during the temporary order stage).
 - d) Require law enforcement agencies storing firearms with an FFL to provide the FFL with specific information about the owner of the firearms. This information should include: name, date of birth, address, telephone number of defendant/owner. It should also include identifying case information such as the parties to the order, docket number, law enforcement incident number, and expiration date of the order.
 - e) Require law enforcement to confirm for the FFL, upon request by the FFL, any changes to the court order.
 - f) Require law enforcement agencies to make reasonable efforts to provide notification at least 24 hours in advance to the plaintiff before the storage facility releases firearms to the defendant (unless the plaintiff is present in court when an RFA order is dismissed and was orally informed that firearms will be released). The State should consider expanding the current VINE contract to include this notification service.
 - g) Require FFLs to provide a certified letter to the defendant/owner's address of record when firearms that are eligible for release are not claimed. Notice must comply with Rule 4 of Vermont Rules of Civil Procedure. If firearms are not claimed within 90

- days of notice, firearms may be sold by the FFL, and the FFL may retain the proceeds from the sale.
- h) Grant immunity to FFLs storing firearms at the request of a law enforcement agency from civil and criminal liability for damage/deterioration of stored firearms/weapons, provided that the damage/deterioration was not the result of recklessness, gross negligence or intentional misconduct.
- i) Grant immunity to law enforcement agencies and FFLs from civil and criminal liability for damages related to the lawful sale of stored firearms, so long as the process outlined in the statute for notification is followed.
- j) Remove requirement that law enforcement agencies and FFLs store ammunition pursuant to a surrender order.
- k) Require law enforcement agencies holding firearms pursuant to a protective order to run a background check before releasing the firearms to the defendant or to any third party.
- 1) Permit law enforcement agencies who are holding firearms pursuant to a protective order to keep the proceeds from the sale of unclaimed firearms provided the provisions in the statute regarding notice to the owner are followed.
- m) Require the third-party to be approved by the Court at the final hearing when a defendant wants their firearms to go directly to a third-party without law enforcement or an FFL involvement, using the procedure outlined in Recommendation #7. Protective order hearings should not be continued for this purpose. If the defendant is not prepared to present a third-party at the hearing, or if the court determines that time constraints prevent consideration at the hearing, the firearms must be surrendered to a law enforcement agency or FFL and the defendant can then file a motion with the court to have them transferred to a court-approved third-party.
- n) When law enforcement agency chooses to store firearms with an FFL, require the agency to make reasonable efforts to notify the defendant where the firearms are being stored within a reasonable period following the transfer. Such notice should include: 1) the defendant's responsibility to keep the FFL informed of any changes to defendant's address; 2) the costs of the storage fees for which the defendant will be responsible; 3) notice that if the firearm is not retrieved within 90 days of being eligible for release, the defendant forfeits ownership and the firearms can be sold; 4) information about how to file a request with the court to allow a third-party to store the firearms and requirements that a third-party must meet to be eligible. Law enforcement may arrange for such notice to be provided directly to the defendant by the FFL, so long as the FFL and/or law enforcement keep a record of the notice provided.

o) Section 2307(g)(1) should be revised to require law enforcement agencies and FFLs storing firearms to make them available to the owner within 72 hours of the completion of a background check.

Recommended Funding Sources

While not a major focus of discussion of the Working Group, the following potential funding sources were identified:

- 1. The Working Group identified general funds as the only truly stable funding source available to fund the recommended law enforcement compliance positions.
- 2. For a pilot project, Improving Criminal Justices Responses grant available through the federal Office of Violence Against Women may provide a source of funding to hire officers to conduct compliance checks. https://www.justice.gov/ovw/improving-criminal-justice-responses-program
- 3. The federal STOP grant funding that could support these positions is already dedicated to other state positions, and a 25% reduction in these funds take effect July 1, 2026.

Appendix

Court form from Judiciary website to obtain approval of a third party to hold firearms https://www.vermontjudiciary.org/media/16087

Copies of Minutes and Agendas (all posted on the Vermont Department of Libraries Public Meeting Calendar in advance of the meetings) https://ago.vermont.gov/firearms-surrender-compliance-workgroup

Consultants letter via email dated July 23, 2025, and follow up email dated September 12, 2025 (attached as A-1).

Written comments received via email from the Vermont Federation of Sportsmen's Clubs dated September 16, 2025 (attached as A-2).

Reference Chart of Working Group Recommendations (attached as A-3).

Please note: The participation of the Chief Superior Judge on the committee should not be construed to serve as an expression of the Judiciary's opinion on, or endorsement of, policy determinations or recommendations resulting from the committee's work.

From: Hanson, Carolyn (she/her)

To: Schmidt, Alexander R. (ATF); Rebecca.Bell; Hawes, Emily (she/her); Shortsleeve, Andrea; McManus, Kim; Karen

Tronsgard-Scott; Ratsebe-EXT, Thato; Lindsey Owen; Laura Bierley; Eddie Poff; frank@catamountlaw.com; William A. Vasiliou; vtfsc.president@gmail.com; chiefdonstevens@comcast.net; chief@abenakitribe.com;

wynona.hjwt@gmail.com conor@gunsensevt.org

Subject: RE: Firearms Surrender Compliance Workgroup--response requested

Date: Friday, September 12, 2025 2:50:00 PM

Hi there!

Cc:

A reminder that this meeting is next FRIDAY Sept 19 from 9-12. Please let me know if you plan to offer any comments! You are welcome to join us in person (state office complex in Waterbury in the cedar room or on teams. Teams link is below. If you plan to join in person please let me know so I can provide your name to the security desk.

Thanks!

Carolyn

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 295 253 846 278 9

Passcode: 7X2NQ3ea

Dial in by phone

+1 802-828-7667,,750621135# United States, Montpelier

Find a local number

Phone conference ID: 750 621 135#

For organizers: Meeting options | Reset dial-in PIN

From: Hanson, Carolyn (she/her)

Sent: Wednesday, July 23, 2025 2:38 PM

To: Schmidt, Alexander R. (ATF) <alexander.schmidt@atf.gov>; Rebecca.Bell

<rebecca.bell@uvmhealth.org>; Hawes, Emily (she/her) <Emily.Hawes@vermont.gov>; Shortsleeve,
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vtfsc.president@gmail.com; chiefdonstevens@comcast.net; chief@abenakitribe.com;

wynona.hjwt@gmail.com

Subject: Firearms Surrender Compliance Workgroup--response requested

Greetings:

I am writing to you in my role as Chair of the Firearms Surrender Compliance Working Group created in Act 64 (S.109) Sec. 24 (2025). The Act directs the Working Group to develop a uniform process to ensure compliance with court orders to surrender firearms. It further

directs the Working Group to examine the statutory or policy changes necessary to create a uniform process to monitor compliance, support entities charged with storing and returning surrendered firearms pursuant to court orders and identify a stable and reliable funding source for any additional resources needed to monitor compliance. The enabling statute is available here

https://legislature.vermont.gov/Documents/2026/Docs/ACTS/ACT064/ACT064%20As%20Enacted.pdf

The Working group has determined that it wants to focus on developing clarity to the process and has identified six areas of focus:

- 1. Service of process
- 2. Firearms surrender process after the final Relief From Abuse hearing
- 3. Compliance monitoring
- 4. Safe return of firearms after expiration
- 5. Storage issues
- 6. Data needs

Members of the Working Group are:

Kim McManus, Dept of State's Attorneys and Sheriffs

Henry Parro, Owner, Parro's Gun Shop

Heather Holter, Council on Domestic Violence

Carolyn Hanson, Chair, Attorney General's Office

Lt. Col. James Whitcomb, Vermont State Police

Marshall Pahl, Defender General's Office

Sarah Robinson, Vermont Network Against Domestic and Sexual Violence

Chief Shawn Burke, Burlington Police Department

Hon. Thomas Zonay, Chief Superior Court Judge

Megan Kinlock, Vermont Center for Crime Victim Services

In addition, the Working Group is assisted by Darren Mitchell, technical service provider with the Firearms Technical Assistance Project.

The Working Group is reaching out to you as part of its responsibility to consult with (1) Commissioner of Corrections, (2) family law practitioners, (3) victim advocates, (4) advocates from culturally specific advocacy organizations that work with domestic violence victims, (5) the Vermont Federation of Sportsmen's Clubs; (6) the Vermont Office of the Bureau of Alcohol Tobacco and Firearms; (7) the Vermont Medical Society; (8) the Commissioner of Mental

Health; and (9) the Commissioner of Fish and Wildlife on considerations to incorporate into the firearms surrender compliance process. We would ask that you provide us with any comments, insights, and information you feel would be helpful for the Working Group to consider moving forward.

In addition to providing any written comments, the Workgroup would like to invite you to attend our meeting on **September 19 from 9am-12pm** to address the group in person at the state office complex in Waterbury. We will also have an option for you to participate remotely if you prefer. Please contact <u>Carolyn.hanson@vermont.gov</u> if you would like to attend and meeting details will be sent to you. Information about the meeting, including an agenda, will also be listed on the public meetings calendar in advance of the meeting.

You may send along any comments or questions you have to the Working Group Chair, Carolyn Hanson at <u>Carolyn.hanson@vermont.gov</u>.

Thank you in advance for your involvement and please do not hesitate to let us know any questions.

Best, Carolyn

Carolyn Hanson
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609



Vermont Federation of Sportsmen's Clubs, Inc.

Proudly Serving Vermont Since <u>1875</u> 454 S Main Street, Northfield, VT 05663 www.vtfsc.org (802) 485-6818



TO: Carolyn Hanson Assistant Attorney General

Office of the Attorney General

109 State Street

Montpelier, VT 05609

DATE: September 16, 2025

RE: Firearms Surrender Compliance Workgroup – VTFSC Input

Assistant Attorney General Hanson -

Per Act 064, the Vermont Federation of Sportsmen's Clubs (VTFSC) was asked to participate as a consultant to the Firearms Surrender Working Group. The purpose of this letter therefore is to provide the concerns and considerations of the VTFSC regarding the handling of firearms that must be surrendered pursuant to Vermont laws such as 13 VSA 4059 as well as 15 VSA 1104(1)(E).

Setting aside any issues we may have with the taking of property without proper Due Process, we understand that situations will arise where firearms must or should be surrendered by the owner(s).

We further understand that in many of these situations, firearms that have been surrendered may, at some later point, be returned to the rightful owner.

We have the following thoughts and concerns:

1) FFLs Are Not Indemnified

We are aware of a situation that impacted an existing FFL, Green Mountain Sporting Goods, who took custody of a number of firearms that were seized as a result of a Domestic Violence complaint. From our understanding, they followed the law but were given faulty information when they contacted the court to begin the process of handling unclaimed firearms.

Through no fault of their own, they have been sued costing them tens of thousands of dollars.

Unless FFLs are indemnified by law – the State will be hard pressed to find FFLs that will do this storage.

2) Storing Firearms Can Be Costly

When an FFL accepts the responsibility to store firearms that have been seized, it requires the need for "Safe Storage", with implications on the insurance coverage of the business. Beyond just storing firearms – there must be a duty to care for them – costs which must be covered by the fees they are allowed to charge.

3) Duty to Care for Firearms

We are aware of situations where firearms have been seized, with the result being that expensive firearms with expensive scopes are quite literally stacked on top of one another into the trunk of a law enforcement vehicle – resulting in damage to the firearms.

No one is apparently responsible for any damage which could result from improper transport or improper storage, and we feel compensation should be a consideration when bad transportation or storage occurs.

4) **20 VSA 2307**

The above statute, specifically (c), states the following:

"A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm, ammunition, or other weapon pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to subdivision (i)(3) of this section."

The State of Vermont, Department of Public Safety has a webpage devoted to a <u>Firearm Storage Program</u>. That page contains links to:

- a. Relinquishment and Storage of Firearms Introduction
- b. Guidelines for Relinquishment and Storage of Firearms
- c. Firearms Storage Compliance Form, and
- d. Summary List of Firearms Storage Locations

Every one of those 4 links result in a "**Page not found**." One wonders if this page just has erroneous links – or if there are no such documents at all.

5) Viability of using a 3rd Party

As a cost-effective measure that addresses several issues, 20 VSA 2307 allows, under (b)(2), for a third party to take custody of seized firearms under strict rules.

It would be our opinion that a friend or law-abiding acquaintance of the person being charged might be in the best position to not only exercise reasonable care in taking custody of seized firearms, as well as their transportation and safe storage.

Thank you for considering the above points; we will be looking to attend and participate in the upcoming meeting in some capacity.

Best Regards,

Chris Bradley

President & Executive Director, VTFSC

Cell: (802) 371-8758

Chi X Fundy

Email: vtfsc.president@gmail.com

Reference Chart of Working Group Recommendations

Number	Recommendation Type	Recommendation
1	Public Safety	The Commissioner of Public Safety should direct the Law Enforcement Advisory Board, in
		consultation with stakeholders, to develop and promote adaptation and implementation of a model
		law enforcement protocol for addressing firearms access by domestic violence perpetrators
		who are prohibited from possessing firearms by RFA orders or other legal prohibitions.
2	Legislature	The Legislature should consider expanding the use of VINE (Victim Information and
		Notification Everyday) to provide notification to plaintiffs regarding service of RFA orders,
		including information about whether firearms have been surrendered and if so, the type and
		number and to whom.
3	Judiciary	The Judiciary should consider amending the return of service form.
4	Judiciary	The Judiciary should develop, in consultation with stakeholders, information to provide
	_	defendants upon issuance of a final protective order regarding the firearm prohibitions and
		relinquishment requirements that may attach to the order, as well as how to comply with the
		requirements and provide proof to the court.
5	Judiciary	Courts should orally inform all defendants that they may not possess, control, or purchase
		firearms for the duration of the RFA order prohibiting firearms and that they must
		immediately surrender ALL firearms that defendant owns, possesses, or controls as directed by
		the court. (Paragraph 10 of the final RFA order.)
6	Judiciary	Courts should consider informing the parties, upon dismissal of an RFA order, that the
		firearms prohibition is no longer in effect.
7		If a defendant requests to have a third-party store their firearms, the request filed with the court
		should include a required background check of the third-party.
8	Judiciary	The Judiciary should include information about firearms surrender in the updated RFA
		video that is currently under development.
9	Judiciary	The Judiciary should develop a process to share and track information regarding firearms that
		is documented on the return of service form.
10		Develop a process for monitoring defendants' compliance with firearms prohibitions. The
		Working Group recommends creating a form that is attached to all temporary RFA orders
		requiring firearms surrender and all final RFAs (including in cases with no firearms prohibition in
		a temporary RFA order) that capture defendant's status of compliance.
	Legislature	The Legislature should authorize funds for the creation of two law enforcement positions to
		conduct compliance checks for individuals who have not completed the form proposed in
		Recommendation #10 regarding the status of their firearms possession.
	Legislature	The Legislature should hold a hearing to discuss the recommendations of the Working Group.
	Legislature	The Legislature should amend 20 V.S.A § 2307.