

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 131 entitled “An act relating to approval of an amendment to the
4 charter of the City of Burlington relating to the possession of firearms”
5 respectfully reports that it has considered the same and recommends that the
6 bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 Sec. 1. CHARTER AMENDMENT APPROVAL

9 The General Assembly approves the amendment to the charter of the City
10 of Burlington as set forth in this act. Voters approved the proposal of
11 amendment on March 4, 2025.

12 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

13 CHAPTER 3. CITY OF BURLINGTON

14 * * *

15 § 510. BAN ON FIREARMS IN ANY ESTABLISHMENT WITH A FIRST-
16 CLASS LIQUOR LICENSE PREMISES LICENSED TO SERVE
17 ALCOHOLIC BEVERAGES

18 (a) This section expressly supersedes 24 V.S.A. §§ 2291(8) and 2295 and
19 authorizes the City to regulate the possession and carrying of firearms pursuant
20 to this section.

1 (b) Ban. Within the City of Burlington, no person may ~~carry or knowingly~~
2 possess a firearm, as defined by 13 V.S.A. § 4016(a)(3), in any ~~building or on~~
3 ~~any real property or parking area under the ownership or control of an~~
4 ~~establishment licensed to serve alcohol on its~~ premises ~~licensed to serve~~
5 ~~alcoholic beverages.~~

6 (c) Exceptions. This provision shall not apply to:

7 (1)(A) ~~a second-class licensed premises, including premises used for a~~
8 ~~retail alcoholic beverage tasting permit;~~

9 (B) ~~an outside premises for which a licensee holds an outside~~
10 ~~consumption permit;~~

11 (C) ~~the premise of a limited event permit, special event permit; or~~
12 ~~special event serving permit;~~

13 (D) ~~a dining car for which a licensee holds a promotional railroad~~
14 ~~tasting permit; or~~

15 (2) a firearm possessed by:

16 (1) any federal, State, or local law enforcement officer acting within
17 the scope of that officer's official duties;

18 (2) any member of the armed forces of the United States or the
19 Vermont National Guard acting within the scope of that person's military
20 duties;

1 (3) any government officer, agent, or employee authorized to carry a
2 weapon and acting within the scope of that officer's duties; or

3 (4) the owner or operator of an establishment licensed to serve
4 alcohol, provided that person is not prohibited from possessing or carrying that
5 weapon under any other federal, State, or local law.

6 (d) Penalties. The penalty for any violation of this section shall be as
7 follows:

8 (1) Criminal offense. Any violation of this section may be considered a
9 criminal offense, which shall be punishable by a fine of not more than
10 \$1,000.00 or imprisonment for not more than 90 days.

11 (2) Civil offense. Any violation of this section may also be considered a
12 civil ordinance violation punishable by a civil penalty of not less than \$200.00
13 and not more than \$500.00 and civil forfeiture of the weapon pursuant to
14 subdivision (3) of this subsection.

15 (3) Forfeiture. Upon probable cause that a person is in violation of this
16 provision, a law enforcement officer may seize the weapon involved in the
17 violation. The person from whom the weapon is seized, or the owner of the
18 weapon, may appeal the forfeiture of the weapon within 30 days following the
19 seizure to the Civil Division of the Superior Court, pursuant to 12 V.S.A.
20 chapter 102 and Rule 74 of the Vermont Rules of Civil Procedure. In any
21 appeal, the burden of proof shall rest upon the City to establish the violation by

1 a preponderance of the evidence. If the City fails to establish the required
2 burden of proof, the items shall be returned to the person from whom they
3 were seized. If no appeal is taken within 30 days, or if the City prevails in the
4 Superior Court proceedings, the seized items shall become the property of the
5 City of Burlington.

6 * * *

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on passage.

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14
15 (Committee vote: _____)

16 _____

17 Senator _____

18 FOR THE COMMITTEE