

1 H.606

2 An act relating to firearms procedures

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

4 Sec. 1. 13 V.S.A. § 2501 is amended to read:

5 § 2501. GRAND LARCENY

6 (a) A person who steals from the actual or constructive possession of
7 another, other than from his or her person, money, goods, chattels, bank notes,
8 bonds, promissory notes, bills of exchange or other bills, orders, or certificates,
9 or a book of accounts for or concerning money, or goods due or to become due
10 or to be delivered, or a deed or writing containing a conveyance of land, or any
11 other valuable contract in force, or a receipt, release or defeasance, writ,
12 process, or public record, shall be imprisoned not more than 10 years or fined
13 not more than \$5,000.00, or both, if:

14 (1) the money or other property stolen exceeds \$900.00 in value; or

15 (2) the property stolen is a firearm of any value.

16 (b) As used in this section, "firearm" has the same meaning as in section
17 4017 of this title.

18 Sec. 2. 13 V.S.A. § 4017 is amended to read:

19 § 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;

20 CONVICTION OF VIOLENT CRIME

1 (a) A person shall not possess a firearm if the person has been convicted of
2 a violent crime.

3 (b) A person who violates this section shall:

4 (1) for a first offense, be imprisoned not more than two years or fined
5 not more than \$1,000.00, or both; or

6 (2) for a second or subsequent offense, be imprisoned not more than
7 three years or fined not more than \$5,000.00, or both.

8 (c) This section shall not apply to a person who is exempt from federal
9 firearms restrictions under 18 U.S.C. § 925(c).

10 (d) As used in this section:

11 (1)(A) “Firearm” means:

12 (i) any weapon (including a starter gun) that will or is designed to
13 or may readily be converted to expel a projectile by the action of an explosive;

14 (ii) the frame or receiver of any such weapon; or

15 (iii) any firearm muffler or firearm silencer.

16 (B) “Firearm” ~~shall~~ does not include an antique firearm.

17 (2) “Antique firearm” means:

18 (A) Any firearm (including any firearm with a matchlock, flintlock,
19 percussion cap, or similar type of ignition system) manufactured in or before
20 1898.

1 (B) Any replica of any firearm described in subdivision (A) of this
2 subdivision (2) if the replica:

3 (i) is not designed or redesigned for using rimfire or conventional
4 centerfire fixed ammunition; or

5 (ii) uses rimfire or conventional centerfire fixed ammunition that
6 is no longer manufactured in the United States and that is not readily available
7 in the ordinary channels of commercial trade.

8 (C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle
9 loading pistol that is designed to use black powder or a black powder substitute
10 and that cannot use fixed ammunition. As used in this subdivision (C),
11 “antique firearm” ~~shall~~ does not include a weapon that incorporates a firearm
12 frame or receiver, a firearm that is converted into a muzzle loading weapon, or
13 any muzzle loading weapon that can be readily converted to fire fixed
14 ammunition by replacing the barrel, bolt, breechblock, or any combination
15 thereof.

16 (3) “Violent crime” means:

17 (A)(i) A listed crime as defined in subdivision 5301(7) of this title
18 other than:

19 (I) lewd or lascivious conduct as defined in section 2601 of this
20 title;

1 (II) recklessly endangering another person as defined in section
2 1025 of this title;

3 (III) operating a vehicle under the influence of alcohol or other
4 substance with either death or serious bodily injury resulting as defined in
5 23 V.S.A. § 1210(f) and (g);

6 (IV) careless or negligent operation resulting in serious bodily
7 injury or death as defined in 23 V.S.A. § 1091(b);

8 (V) leaving the scene of an accident resulting in serious bodily
9 injury or death as defined in 23 V.S.A. § 1128(b) or (c); or

10 (VI) a misdemeanor violation of chapter 28 of this title, relating
11 to abuse, neglect, and exploitation of vulnerable adults; or

12 (ii) a comparable offense and sentence in another jurisdiction if
13 the offense prohibits the person from possessing a firearm under 18 U.S.C.
14 § 922(g)(1) or 18 U.S.C. § 921(a)(20).

15 (B) An offense involving sexual exploitation of children in violation
16 of chapter 64 of this title; or a comparable offense and sentence in another
17 jurisdiction if the offense prohibits the person from possessing a firearm under
18 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

19 (C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling,
20 dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing
21 LSD); 4233(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin);

1 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and
2 narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking
3 methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic
4 drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable
5 offense and sentence in another jurisdiction if the offense prohibits the person
6 from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.
7 § 921(a)(20).

8 (D) A conviction of possession with intent to distribute a controlled
9 substance other than cannabis in another jurisdiction if the offense prohibits the
10 person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.
11 § 921(a)(20).

12 Sec. 3. 13 V.S.A. § 4017a is amended to read:

13 § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL
14 RELIEF FROM ABUSE OR STALKING ORDER; PERSONS
15 CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON
16 POSSESSION OF FIREARMS

17 (a) A person shall not possess a firearm if the person:

18 (1) is a fugitive from justice;

19 (2) is the subject of a final relief from abuse order issued pursuant to

20 15 V.S.A. § 1103;

1 (3) is the subject of a final order against stalking issued pursuant to
2 12 V.S.A. § 5133 if the order prohibits the person from possessing a firearm;

3 ~~or~~

4 (4) is a person against whom charges are pending for:

5 (A) carrying a dangerous weapon while committing a felony in
6 violation of section 4005 of this title;

7 (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,
8 subchapter 1; or

9 (C) human trafficking or aggravated human trafficking in violation of
10 section 2652 or 2653 of this title; or

11 (5)(A)(i) has been found by the court to be a person in need of treatment
12 pursuant to section 4822 of this title and:

13 (I) not guilty by reason of insanity of a violent crime as defined
14 in section 4017 of this title; or

15 (II) incompetent to stand trial for an offense listed in
16 subdivision (4) of this subsection (a);

17 (ii) is the subject of a commitment order issued by the court
18 pursuant to section 4822 of this title and the offense charged was not a violent
19 crime; or

1 (iii) is the subject of a hospitalization order issued by the court
2 pursuant to 18 V.S.A. § 7617(b)(1) or (2) or a nonhospitalization order issued
3 by the court pursuant to 18 V.S.A. § 7617(b)(3).

4 (B) Subdivision (A) of this subdivision (5) shall not apply to a person
5 if the Family Division grants a petition for relief from firearms disability for
6 the person pursuant to section 4825 of this title.

7 (b) A person who violates this section shall:

8 (1) for a first offense, be imprisoned not more than two years or fined
9 not more than \$1,000.00, or both; or

10 (2) for a second or subsequent offense, be imprisoned not more than
11 three years or fined not more than \$5,000.00, or both.

12 (c) As used in this section:

13 (1) “Firearm” has the same meaning as in section 4017 of this title.

14 (2) “Fugitive from justice” means a person who has fled:

15 (A) to avoid prosecution for a ~~crime~~ Vermont criminal offense or for
16 an offense that would be a crime if committed in Vermont; or

17 (B) to avoid giving testimony in a criminal proceeding.

18 Sec. 4. 13 V.S.A. § 4022 is amended to read:

19 § 4022. BUMP-FIRE STOCKS; MACHINE GUNS; POSSESSION

20 PROHIBITED

21 (a) As used in this section:

1 (1) ~~“bump-fire stock”~~ “Bump-fire stock” means a butt stock designed to
2 be attached to a semiautomatic firearm and intended to increase the rate of fire
3 achievable with the firearm to that of a fully automatic firearm by using the
4 energy from the recoil of the firearm to generate a reciprocating action that
5 facilitates the repeated activation of the trigger.

6 (2) “Machine gun” means any weapon that shoots, is designed to shoot,
7 or can be readily restored to shoot automatically more than one shot without
8 manual reloading, by a single function of the trigger. The term also includes
9 the frame or receiver of any such weapon; any part designed and intended
10 solely and exclusively, or combination of parts designed and intended, for use
11 in converting a weapon into a machine gun; and any combination of parts from
12 which a machine gun can be assembled if the parts are in the possession or
13 under the control of a person. The term does not include any weapon or other
14 item that is registered in the National Firearms Registration and Transfer
15 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
16 Explosives, or that is otherwise not subject to that registration requirement.

17 (b) A person shall not possess a bump-fire stock or a machine gun. A
18 person who violates this subsection shall be imprisoned not more than one year
19 or fined not more than \$1,000.00, or both.

20 (c) The Department of Public Safety shall develop, promote, and execute a
21 collection process that permits persons to voluntarily and anonymously

1 relinquish bump-fire stocks prior to ~~the effective date of this section~~ October 1,
2 2018.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on passage.