

**Mr. Chairman and members of the Committee,**

My name is Sam Levy, and I am Director of Policy Advocacy at Everytown for Gun Safety, America's largest gun violence prevention organization. This testimony is submitted in support of S.329, which will strengthen Vermont's gun safety laws and help keep communities across the state safe.

**MENTAL HEALTH PROHIBITOR**

Vermont has made remarkable strides in gun violence prevention over the past several years. This bill would address one of the remaining foundational policies that it lacks: a prohibition on firearm possession for those who have been found by a court to be a danger to themselves or to others by reason of mental illness.

This bill would bring Vermont closer into line with federal law and 29 other states. Federal law bars individuals who have been involuntarily committed to psychiatric facilities from having guns and has for more than 50 years. A separate state prohibition is important to ensure that state authorities can properly enforce this law. This bill is a step in the right direction: It prohibits people who are subject to court orders for mental health treatment, whether in a hospital or in outpatient facilities, from possessing firearms. Under Vermont law, courts order such mental health treatment when a person's "capacity to exercise self-control, judgment, or discretion... is so lessened that [they] pose a danger of harm to himself, to herself, or to others." (See 18 V .S.A. § 7101 and 18 V .S.A. § 7617).

The key core concept here is that this bill requires a court to find, under existing state law procedures, that a person is a danger to themselves or to others by reason of mental illness. This firearm prohibition therefore does not apply when someone merely has a mental health diagnosis, or when someone is simply voluntarily seeking treatment for a mental health condition. It requires the determination of a court, under a very specific process already firmly established in state law, that a person is a danger to themselves or to others by reason of mental illness.

The "dangerousness" element is the key here. These are very longstanding restrictions in both federal and state law. The Supreme Court, in *DC v. Heller* stated that its decision was not questioning, "longstanding prohibitions on the possession of firearms by felons and the mentally ill." And in the Supreme Court's *Rahimi* decision in 2024, the Court specifically evaluated and upheld a prohibition on possession by someone who had been found by a court to be a danger to others. While that involved a domestic violence restraining order rather than a mental health finding, the key is the dangerousness component. These restrictions, which again exist in federal law and the majority of states, are constitutional.

Additionally, a prohibition like this is still important, even in a state that has instituted a "red flag law." That law, which allows a court to order that the firearms of a person posing an immediate threat of harm to themselves or to others be temporarily seized, addresses a very

acute, very immediate and emergency situation. The orders are very short, lasting only from 14 days to six months. And though they can continue to be extended under some circumstances, they should exist in conjunction with a more robust and comprehensive system that this bill would provide.

## **BAN ON GUNS IN BARS**

There is strong evidence that people under the influence of alcohol are at an elevated risk of violent behavior, including gun violence. The public recognizes the danger and overwhelmingly opposes allowing people to bring guns into establishments where alcohol is consumed. Burlingtoners have already made their voices clear on this issue: over 86% of Burlington voters supported a charter change in March 2025 to prohibit guns in establishments that serve alcohol, following a fatal shooting near a downtown bar in 2024.

Guns and alcohol don't mix—period. Alcohol is associated with increased aggression, and people under the influence of alcohol are both more likely to be shot and more likely to kill someone else. Alcohol is associated with heightened levels of aggression. Alcohol intoxication increases the likelihood of violent behavior. Alcohol has detrimental effects on cognitive functioning, inhibits problem-solving abilities, and increases the likelihood of risk-taking, all of which are directly linked to aggressive behavior. Alcohol leads to impaired judgment about whether to shoot a gun, as well as impaired aim when firing.

This bill would help prevent dangerous situations in bars by removing the threat of arguments escalating into acts of gun violence. This bill would also bring Vermont into line with 14 other states that specifically prohibit guns in bars, and 27 states and the District of Columbia that restrict carrying firearms in at least some establishments that serve alcohol. It is also worth noting that a three-judge panel of the 4th U.S. Circuit Court of Appeals upheld Maryland's ban on guns in bars in January of this year.

Thank you for your consideration, and I urge you to advance S.329.

Sincerely,

Samuel Levy  
Director of Policy Advocacy  
Everytown for Gun Safety