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H.567

Introduced by Representatives Cole of Burlington, Bissonnette of Winooski,
Donovan of Burlington, Gonzalez of Winooski, Krowinski of
Burlington, McCormack of Burlington, O’Sullivan of
Burlington, Pearson of Burlington, Rachelson of Burlington,
Ram of Burlington, Sullivan of Burlington, and Wright of
Burlington

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;
amendment; firearm, ammunition, or deadly or dangerous weapon;
probable cause; domestic assault; police confiscation

Statement of purpose of bill as introduced: This bill proposes to approve an
amendment to the charter of the City of Burlington that would allow a police
officer to confiscate temporarily a deadly or dangerous weapon from a person
whom the officer has probable cause to believe has committed domestic
assault.

An act relating to approval of an amendment to the charter of the City of
Burlington regarding police confiscation of deadly or dangerous weapons

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

2 Sec. 1. CHARTER AMENDMENT APPROVAL

3 The General Assembly approves the amendment to the charter of the
4 City of Burlington as set forth in this act. Proposals of amendment were
5 approved by the voters on March 4, 2014.

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

7 CHAPTER 3. CITY OF BURLINGTON

8 * * *

9 ARTICLE 99. GENERAL WEAPONS REQUIREMENTS

10 § 511. POLICE CONFISCATION DURING INCIDENT

11 (a) Notwithstanding the provisions of 24 V.S.A. §§ 2291(8) and 2295, the
12 City of Burlington is authorized to regulate the possession and control of
13 firearms as set forth in this section.

14 (b) Whenever, within the City of Burlington, a police officer has probable
15 cause to believe that a person has been the victim of domestic assault in
16 violation of 13 V.S.A. chapter 19, subchapter 6, the officer may confiscate any
17 firearm, ammunition, or deadly or dangerous weapon, as defined in 13 V.S.A.
18 § 4016, that is in the immediate possession or control of the person believed to
19 have committed the offense.

20 (c) The police shall return the property within five days after it was
21 confiscated unless:

1 (1) the property is being held as evidence in connection with a legal
2 proceeding; or

3 (2) the person declines to accept return of the property.

4 (d) A person who fails to turn over a weapon when requested to do so by a
5 police officer pursuant to subsection (b) of this section may be subject to the
6 following penalties:

7 (1) a criminal offense punishable by a fine of not more than \$1,000.00
8 or imprisonment for not more than 90 days, or both; or

9 (2) a civil ordinance violation punishable by a fine of not less than
10 \$200.00 and not more than \$500.00.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.