

1 S.11

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; persons prohibited from possessing firearms

6 Statement of purpose of bill as introduced: This bill proposes to (1) prohibit
7 the possession of firearms by persons subject to final relief from abuse and
8 stalking orders; (2) expand the list of criminal offenses with respect to which a
9 conviction prohibits a person from possessing a firearm; and (3) require a 72-
10 hour waiting period for most firearms transfers.

11 An act relating to persons prohibited from possessing firearms

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

13 Sec. 1. 13 V.S.A. § 4017a is added to read:

14 § 4017a. PERSONS SUBJECT TO FINAL RELIEF FROM ABUSE OR
15 STALKING ORDER; PROHIBITION ON POSSESSION OF
16 FIREARMS

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

18 (1) a final relief from abuse order issued pursuant to 15 V.S.A. § 1104;

19 or

20 (2) a final order against stalking issued pursuant to 12 V.S.A. § 5133.

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

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

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

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

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

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

17 (C) ~~A~~ a violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling,
18 dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing
19 LSD); 4233(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin);
20 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and
21 narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking

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

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

10 (E) domestic terrorism in violation of section 1703 of this title;

11 (F) carrying a dangerous or deadly weapon with the intent to injure
12 multiple persons in violation of section 4003 of this title;

13 (G) possessing a firearm or a dangerous or deadly weapon on school
14 property with the intent to injure another person in violation of subsection
15 4004(b) of this title;

16 (H) a violation of chapter 37 of this title (explosives);

17 (I) possession or use of weapons of mass destruction or hoax
18 weapons in violation of section 3502 of this title; or

19 (J) threatening to use a weapon of mass destruction in violation of
20 section 3503 of this title.

1 Sec. 3. 13 V.S.A. § 4019a is added to read:

2 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

3 (a) A person shall not transfer a firearm to another person until 72 hours
4 after the completion of the background check required by 18 U.S.C. § 922(s)
5 or section 4019 of this title.

6 (b) A person who transfers a firearm to another person in violation of
7 subsection (a) of this section shall be imprisoned not more than one year or
8 fined not more than \$500.00, or both.

9 (c) This section shall not apply to a firearm transfer that does not require a
10 background check under 18 U.S.C. § 922(s) or section 4019 of this title.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.