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H.91

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

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;  
amendment; firearms; safe storage depository; locking device

Statement of purpose of bill as introduced: This bill proposes to approve an  
amendment to the charter of the City of Burlington that would require that  
when a firearm is not in a person’s immediate possession or control, it must be  
locked in a safe storage depository or, by using a locking device, rendered  
incapable of being fired.

An act relating to approval of an amendment to the charter of the City of  
Burlington requiring firearms to be locked in safe storage depositories or  
placed in locking devices

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

1       Sec. 1. CHARTER AMENDMENT APPROVAL

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

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

6                               CHAPTER 3. CITY OF BURLINGTON

7   \* \* \*

8                               ARTICLE 99. GENERAL WEAPONS REQUIREMENTS

9       §§ 511–512. [Reserved.]

10       § 513. SAFE STORAGE

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 carrying of  
13       firearms as set forth in this section.

14       (b) Within the City of Burlington, a person who possesses a firearm, as  
15       defined in 13 V.S.A. § 4016, shall not store or otherwise leave the firearm  
16       outside his or her immediate possession or control without having first securely  
17       locked the firearm in an appropriate safe storage depository or, by use of a gun  
18       locking device appropriate to that weapon, rendered it incapable of being fired.

19       (c) As used in this section, “safe storage depository” shall mean a safe or  
20       other secure container which, when locked, is incapable of being opened

1 without the key, combination, or other unlocking mechanism so as to prevent  
2 an unauthorized person from obtaining access to the weapon.

3 (d) The penalties for any violation of this section shall be as follows:

4 (1)(A) A criminal offense punishable by a fine of not more than  
5 \$2,500.00 or imprisonment for not more than 90 days, or both; or

6 (B) A civil ordinance violation punishable by a fine of not less than  
7 \$200.00 and not more than \$500.00.

8 (2) Upon probable cause that a person is in violation of this section, a  
9 law enforcement officer may seize the weapon involved in the violation.

10 (A) The person from whom the weapon is seized, or the owner of the  
11 weapon, if different from the person from whom the weapon is seized, may  
12 appeal the forfeiture of the weapon within 30 days of the seizure to the Civil  
13 Division of the Superior Court pursuant to 12 V.S.A. chapter 102 and Rule 74  
14 of the Vermont Rules of Civil Procedure.

15 (B) In any appeal, the burden of proof shall rest upon the City to  
16 establish the violation by a preponderance of the evidence.

17 (C) If the City fails to establish the required burden of proof, the  
18 weapon shall be returned to the person from whom it was seized.

19 (D) If no appeal is taken within 30 days or if the City prevails in the  
20 Superior Court proceedings, the weapon so seized shall become the property of  
21 the City.

1           (3) In determining the appropriate penalty, the Court shall take into  
2           account all relevant factors, including the presence of minors at the location  
3           and time of the offense.

4           Sec. 3. EFFECTIVE DATE

5           This act shall take effect on passage.