

1 H.30

2 Introduced by Representatives Grad of Moretown and Pugh of South

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Domestic relations; relief from abuse orders; relinquishment of

7 firearms and other dangerous or deadly weapons

8 Statement of purpose of bill as introduced: This bill proposes to require that
9 relief from abuse orders include a provision requiring the defendant to
10 relinquish his or her firearms and other dangerous or deadly weapons until the
11 order expires. The bill also proposes to make it a crime for a person to possess
12 a firearm if the person is the subject of a relief from abuse order.

13 An act relating to relief from abuse orders and relinquishment of firearms
14 and other dangerous or deadly weapons

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

16 Sec. 1. 15 V.S.A. § 1103 is amended to read:

17 § 1103. REQUESTS FOR RELIEF

18 (a) Any family or household member may seek relief from abuse by
19 another family or household member on behalf of himself or herself or his or
20 her children by filing a complaint under this chapter. A minor 16 years of age

1 or older, or a minor of any age who is in a dating relationship as defined in
2 subdivision 1101(2) of this chapter, may file a complaint under this chapter
3 seeking relief on his or her own behalf. The plaintiff shall submit an affidavit
4 in support of the order.

5 * * *

6 (c)(1) The court shall make such orders as it deems necessary to protect the
7 plaintiff or the children, or both, if the court finds that the defendant has
8 abused the plaintiff, and:

9 (A) there is a danger of further abuse; or

10 (B) the defendant is currently incarcerated and has been convicted of
11 one of the following: murder, attempted murder, kidnapping, domestic assault,
12 aggravated domestic assault, sexual assault, aggravated sexual assault,
13 stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a
14 child in a sexual performance, or consenting to a sexual performance.

15 * * *

16 (3)(A) The court order shall require the relinquishment, until the
17 expiration of the order, of all firearms and other weapons that are in the
18 defendant's possession, ownership, or control, or that another person
19 possesses, owns, or controls on behalf of the defendant. Firearms and other
20 weapons relinquished under this subdivision shall be relinquished, transported,
21 and stored pursuant to 20 V.S.A. § 2307.

1 (B) A law enforcement agency shall be immune from civil or
2 criminal liability for any damage or deterioration of firearms or other weapons
3 relinquished pursuant to subdivision (A) of this subdivision (3). This
4 subdivision (B) shall not apply if the damage or deterioration occurred as a
5 result of recklessness, gross negligence, or intentional misconduct by the law
6 enforcement agency.

7 * * *

8 Sec 2. 15 V.S.A. § 1104 is amended to read:

9 § 1104. EMERGENCY RELIEF

10 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
11 orders under this chapter may be issued ex parte, without notice to the
12 defendant, upon motion and findings by the court that the defendant has abused
13 the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an
14 affidavit in support of the order. A minor 16 years of age or older, or a minor
15 of any age who is in a dating relationship as defined in subdivision 1101(2) of
16 this chapter, may seek relief on his or her own behalf. Relief under this section
17 shall be limited as follows:

18 * * *

19 (4)(A) An order issued under this section shall require the
20 relinquishment, until the expiration of the order, of all firearms and other
21 weapons that are in the defendant's possession, ownership, or control, or that

1 another person possesses, owns, or controls on behalf of the defendant.

2 Firearms and other weapons relinquished under this subdivision shall be

3 relinquished, transported, and stored pursuant to 20 V.S.A. § 2307.

4 (B) A law enforcement agency shall be immune from civil or
5 criminal liability for any damage or deterioration of firearms or other weapons
6 relinquished pursuant to subdivision (A) of this subdivision (4). This
7 subdivision (B) shall not apply if the damage or deterioration occurred as a
8 result of recklessness, gross negligence, or intentional misconduct by the law
9 enforcement agency.

10 * * *

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

12 § 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;

13 CONVICTION OF VIOLENT CRIME

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

15 (1) has been convicted of a violent crime; or

16 (2) is the subject of an emergency relief from abuse order issued
17 pursuant to 15 V.S.A. § 1103 or a final relief from abuse order issued pursuant
18 to 15 V.S.A. § 1104.

19 (b) A person who violates this section shall be imprisoned not more than
20 two years or fined not more than \$1,000.00, or both.

21 * * *

- 1 Sec. 4. EFFECTIVE DATE
- 2 This act shall take effect on passage.