

1 H.264

2 Introduced by Representatives Arsenault of Williston, Black of Essex, Austin
3 of Colchester, Berbeco of Winooski, Bishop of Colchester,
4 Burkhardt of South Burlington, Christie of Hartford, Goldman
5 of Rockingham, McCann of Montpelier, McGill of Bridport,
6 Nugent of South Burlington, Priestley of Bradford, and Scheu
7 of Middlebury

8 Referred to Committee on

9 Date:

10 Subject: Crimes; firearms; safe storage

11 Statement of purpose of bill as introduced: This bill proposes to require safe
12 storage of firearms irrespective of whether a person accesses an unsafely stored
13 firearm and uses it in the commission of a crime or displays it in a threatening
14 manner.

15 An act relating to safe storage of firearms

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

17 Sec. 1. 13 V.S.A. § 4024 is amended to read:

18 § 4024. ~~NEGLIGENT~~ SECURE FIREARMS STORAGE

19 (a)(1) Prohibition. A person ~~who stores or keeps a firearm~~ shall not, within
20 any premises that are under the person's custody or control, ~~and who store or~~

1 keep a firearm if the person knows or reasonably should know that a child or
2 prohibited person is likely to gain access to the firearm, ~~shall be~~ unless the
3 person stores or keeps the firearm:

4 (1) separate from ammunition; and

5 (2) in a locked container or equipped with a tamper-resistant mechanical
6 lock or other safety device, properly engaged so as to render the firearm
7 inoperable by any person other than the owner or authorized user.

8 (b) Penalties. A person who violates subsection (a) of this section shall be:

9 (1) fined not more than \$100.00;

10 ~~(A)~~(2) imprisoned not more than one year or fined not more than
11 \$1,000.00, or both, if a child or prohibited person gains access to the firearm
12 and uses it in the commission of a crime or displays it in a threatening manner;
13 or

14 ~~(B)~~(3) imprisoned not more than five years or fined not more than
15 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
16 and uses it to cause death or serious bodily injury to any person.

17 ~~(2)(c) This subsection~~ Exceptions. Subsection (a) of this section shall
18 not apply if:

19 ~~(A)~~(1) the firearm is carried by or within such close proximity that it
20 can be readily retrieved and used by the owner or another authorized user;

1 ~~(B)~~(2) a child or prohibited person accesses the firearm as a result of
2 an illegal entry; or

3 ~~(C)~~(3) a child or prohibited person accesses and uses the firearm
4 during the course of a lawful act of self-defense or defense of another person;
5 ~~or~~

6 ~~(D) the person stores or keeps the firearm in a locked container or~~
7 ~~equipped with a tamper-resistant mechanical lock or other safety device.~~

8 ~~(b)~~(d)(1) Information distribution. At any location where a licensed dealer
9 conducts firearm sales or transfers, the licensed dealer shall conspicuously
10 display a sign containing the information required by subdivision (2) of this
11 subsection in any area where the sales or transfers occur. The sign shall be
12 posted so that it can be easily viewed by persons purchasing or receiving
13 firearms, and the sign shall not be removed, obscured, or rendered illegible. If
14 the location where the sales or transfers occur is the premises listed on the
15 dealer's federal firearms license, an additional sign shall be placed at or near
16 the entrance to the premises.

17 (2) The sign required by subdivision (1) of this subsection shall be at
18 least eight and one-half inches high by 11 inches wide and shall contain black
19 text at least half an inch high against a white background. The sign shall
20 contain the following text and no other statements or markings:

1 “WARNING: Access to a firearm in the home significantly increases
2 the risk of suicide; death during domestic violence disputes; and the
3 unintentional death of children, household members, and others. If you or a
4 loved one is experiencing distress or depression, call the 988 Suicide and Crisis
5 hotline or text “VT” to 741741.

6 Vermont law requires gun owners to securely store their firearms
7 separately from ammunition in their homes and other premises under their
8 control if a person prohibited from purchasing or possessing firearms or a child
9 is likely to gain access to them. Failure to securely store firearms as required
10 by law may result in criminal prosecution. It is important that the owner of a
11 firearm seek firearm safety instructions from a certified firearms instructor and
12 keep firearms secured from unauthorized use. Posted pursuant to 13 V.S.A.
13 § 4024.”

14 ~~(e)~~(e) As used in this section:

15 (1) “Authorized user” means a person 18 years of age or older who is
16 not a prohibited person and who has been authorized to carry or use the firearm
17 by the owner.

18 (2) “Child” means a person under 18 years of age.

19 (3) “Firearm” has the same meaning as in subsection 4017(d) of this
20 title.

1 (4) “Licensed dealer” means a person issued a license as a dealer in
2 firearms pursuant to 18 U.S.C. § 923(a).

3 (5) “Locked container” means a box, case, chest, locker, safe, or other
4 similar receptacle equipped with a tamper-resistant lock.

5 (6) “Prohibited person” means a person who is prohibited from
6 possessing a firearm by state or federal law or by court order.

7 (7) “Serious bodily injury” has the same meaning as in subdivision
8 1021(a)(2) of this title.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on passage.