

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

H.775

Introduced by Representatives Till of Jericho, Ancel of Calais, Bissonnette of
Winooski, Clarkson of Woodstock, Cole of Burlington, Dakin
of Chester, Donovan of Burlington, Greshin of Warren, Lenes
of Shelburne, Masland of Thetford, McCormack of Burlington,
McCullough of Williston, Morris of Bennington, Mrowicki of
Putney, O’Sullivan of Burlington, Patt of Worcester, Rachelson
of Burlington, Ryerson of Randolph, Stevens of Waterbury,
Stuart of Brattleboro, Sullivan of Burlington, Townsend of
South Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Crimes and criminal procedures; firearms; criminal background
checks

Statement of purpose of bill as introduced: This bill proposes to require that a
criminal background check be conducted on the proposed purchaser before a
firearm may be sold unless the sale is between immediate family members, by
or to a law enforcement agency, or by or to a law enforcement officer or
member of the U.S. Armed Forces acting within the course of his or her
official duties.

1 An act relating to possession and transfer of firearms

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

3 Sec. 1. 13 V.S.A. § 4018 is added to read:

4 § 4018. FIREARMS SALES; CRIMINAL BACKGROUND

5 CHECKS

6 (a) As used in this section:

7 (1) “Firearm” shall have the same meaning as in subdivision 4016(a)(3)
8 of this title.

9 (2) “Immediate family member” means a spouse, parent, stepparent,
10 child, stepchild, sibling, stepsibling, grandparent, or grandchild.

11 (3) “Law enforcement officer” shall have the same meaning as in
12 subdivision 4016(a)(4) of this title.

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

15 (5) “Proposed purchaser” means an unlicensed person to whom a
16 proposed seller intends to sell a firearm.

17 (6) “Proposed seller” means an unlicensed person who intends to sell a
18 firearm to another unlicensed person.

19 (7) “Unlicensed person” means a person who has not been issued a
20 license as a dealer, importer, or manufacturer in firearms pursuant to
21 18 U.S.C. § 923(a).

1 (b)(1) Except as provided in subsection (e) of this section, an unlicensed
2 person shall not sell a firearm to or purchase a firearm from another unlicensed
3 person unless:

4 (A) the proposed seller and the proposed purchaser physically appear
5 together with the firearm before a licensed dealer and request that the license
6 dealer facilitate the sale; and

7 (B) the licensed dealer agrees to facilitate the sale and determines
8 that the proposed purchaser is not prohibited by State or federal law from
9 purchasing or possessing the firearm.

10 (2) A person shall not, in connection with the sale or attempted sale of a
11 firearm pursuant to this section, knowingly make a false statement or exhibit a
12 false identification intended to deceive a licensed dealer with respect to any
13 fact material to the sale.

14 (c)(1) A licensed dealer who agrees to facilitate a firearm sale pursuant to
15 this section shall comply with all requirements of State and federal law and
16 shall, unless otherwise expressly provided in this section, conduct the sale in
17 the same manner as the licensed dealer would if selling the firearm from his or
18 her own inventory.

19 (2) A licensed dealer shall return the firearm to the proposed seller and
20 decline to continue facilitating the sale if the dealer determines that the

1 proposed purchaser is prohibited by federal or State law from purchasing or
2 possessing the firearm.

3 (3) A licensed dealer may charge a reasonable fee to facilitate a firearm
4 transfer between a proposed seller and a proposed purchaser pursuant to
5 this section.

6 (d)(1) An unlicensed person who sells a firearm to or purchases a firearm
7 from another unlicensed person in violation of subdivision (b)(1) of this
8 section shall:

9 (A) for a first offense, be imprisoned not more than one year or fined
10 not more than \$500.00, or both; and

11 (B) for a second or subsequent offense, be imprisoned not more than
12 five years or fined not more than \$1,000.00, or both.

13 (2) A person who violates subdivision (b)(2) of this section shall:

14 (A) for a first offense, be imprisoned not more than one year or fined
15 not more than \$500.00, or both; and

16 (B) for a second or subsequent offense, be imprisoned not more than
17 five years or fined not more than \$1,000.00, or both.

18 (e) This section shall not apply to:

19 (1) the sale of a firearm by or to a law enforcement agency;

20 (2) the sale of a firearm by or to a law enforcement officer or member of
21 the U.S. Armed Forces acting within the course of his or her official duties; or

1 (3) the sale of a firearm from one immediate family member to another
2 immediate family member.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.