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H.97

Introduced by Representatives McCann of Montpelier, Arsenault of Williston,
Austin of Colchester, Bishop of Colchester, Black of Essex,
Bluemle of Burlington, Bos-Lun of Westminster, Burkhardt of
South Burlington, Chapin of East Montpelier, Cole of Hartford,
Dodge of Essex, Graning of Jericho, Headrick of Burlington,
Logan of Burlington, Masland of Thetford, McGill of Bridport,
Olson of Starksboro, Pouech of Hinesburg, Priestley of
Bradford, Rachelson of Burlington, Scheu of Middlebury,
Sibilia of Dover, Tomlinson of Winooski, Waszazak of Barre
City, White of Waitsfield, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Crimes; possession of firearms and deadly weapons in schools and
childcare centers

Statement of purpose of bill as introduced: This bill proposes to prohibit
firearms and deadly weapons in schools, on school property, and at childcare
centers, except by law enforcement officers or with the approval of the school
board, superintendent, or principal, and except by a person at a childcare
facility located in the person's residence.

1 An act relating to prohibiting firearms and deadly weapons in schools, on
2 school property, and at childcare centers

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

4 Sec. 1. 13 V.S.A. § 4004 is amended to read:

5 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
6 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
7 PROPERTY

8 (a) No person shall knowingly possess a firearm or a dangerous or deadly
9 weapon while within a school building ~~or~~, on a school bus, or on any school
10 property. A person who violates this section shall, for the first offense, be
11 imprisoned for not more than one year or fined not more than \$1,000.00, or
12 both, and for a second or subsequent offense shall be imprisoned for not more
13 than three years or fined not more than \$5,000.00, or both.

14 ~~(b) No person shall knowingly possess a firearm or a dangerous or deadly~~
15 ~~weapon on any school property with the intent to injure another person. A~~
16 ~~person who violates this section shall, for the first offense, be imprisoned for~~
17 ~~not more than three years or fined not more than \$1,000.00, or both, and for a~~
18 ~~second or subsequent offense shall be imprisoned for not more than five years~~
19 ~~or fined not more than \$5,000.00, or both. [Repealed.]~~

20 (c) This section shall not apply to:

21 (1) A law enforcement officer while engaged in law enforcement duties.

1 (2) Possession and use of firearms or dangerous or deadly weapons if
2 the board of school directors, or the superintendent or principal if delegated
3 authority to do so by the board, authorizes possession or use for specific
4 occasions or for instructional or other specific purposes.

5 (3) Possession and use of firearms or dangerous or deadly weapons by a
6 person at a childcare facility that is located in the person's residence.

7 (d) As used in this section:

8 (1) "School property" means any property owned by a school, including
9 motor vehicles.

10 (2) "Owned by the school" means owned, leased, controlled, or
11 subcontracted by the school.

12 (3) "Dangerous or deadly weapon" ~~shall have~~ has the same meaning as
13 in section 4016 of this title.

14 (4) "Firearm" ~~shall have~~ has the same meaning as in section 4016 of this
15 title.

16 (5) "Law enforcement officer" ~~shall have~~ has the same meaning as in
17 section 4016 of this title.

18 (6) "School" includes:

19 (A) a prequalified private prekindergarten provider as defined in

20 16 V.S.A. § 829; and

21 (B) a childcare facility as defined in 33 V.S.A. § 511.

1 (e) The provisions of this section shall not limit or restrict any prosecution
2 for any other offense, including simple assault or aggravated assault.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.