

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17

H.422

Introduced by Representatives Grad of Moretown, Christie of Hartford, Cina
of Burlington, Copeland-Hanzas of Bradford, Deen of
Westminster, Donovan of Burlington, Head of South
Burlington, O’Sullivan of Burlington, Till of Jericho, and
Townsend of South Burlington

Referred to Committee on

Date:

Subject: Domestic assault; arrest or citation; confiscation of dangerous or
deadly weapons

Statement of purpose of bill as introduced: This bill proposes to require a law
enforcement officer to confiscate a dangerous or deadly weapon from a person
who is arrested or cited for domestic assault if the weapon is (1) in the
immediate possession or control of the person being arrested or cited; (2) in
plain view of the officer; or (3) discovered during a consensual search.

An act relating to confiscation of dangerous or deadly weapons from a
person arrested or cited for domestic assault

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

2 Sec. 1. 13 V.S.A. § 1048 is added to read:

3 § 1048. CONFISCATION OF DANGEROUS OR DEADLY WEAPONS

4 (a) When a law enforcement officer arrests or cites a person for domestic
5 assault in violation of this subchapter, the officer shall confiscate any
6 dangerous or deadly weapon that is:

7 (1) in the immediate possession or control of the person being arrested
8 or cited;

9 (2) in plain view of the officer; or

10 (3) discovered during a consensual search.

11 (b) The law enforcement agency in possession of a weapon confiscated
12 pursuant of his section shall return the weapon to the person from whom it was
13 confiscated within five days after confiscation unless:

14 (1) the weapon is being or may be used as evidence in a pending
15 criminal or civil proceeding;

16 (2) a court orders relinquishment of the weapon pursuant to 15 V.S.A.
17 chapter 21 (abuse prevention) or any other provision of law consistent with
18 18 U.S.C. § 922(g)(8), in which case the weapon shall be stored pursuant to
19 20 V.S.A. § 2307; or

20 (3) the person from whom it was confiscated declines to accept return of
21 the weapon.

1 (c) This section shall not be construed to permit conduct by a law
2 enforcement officer that violates the U.S. or Vermont Constitution.

3 (d) As used in this section, “dangerous or deadly weapon” shall have the
4 same meaning as in subdivision 4016(a)(2) of this title.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.