

State Laws and Published Ordinances – Vermont

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Title 13 – Crimes and Criminal Procedure
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Chapter 37 – Explosives

Section 1603. Definitions.

For the purposes of this chapter:

(1) **"Destructive device"** means any:

- (A) explosive, incendiary, or poison gas bomb; or
- (B) explosive, incendiary, or poison gas grenade; or
- (C) explosive, incendiary, or poison gas rocket having a propellant charge of more than four ounces; or
- (D) explosive, incendiary, or poison gas missile having an explosive or incendiary charge of more than one-quarter ounce; or
- (E) explosive, incendiary, or poison gas mine; or
- (G) device similar to those devices enumerated in subdivisions (1) and (1)(A)-(E) of this section.

A destructive device does not include a firearm or ammunition therefor.

Section 1604 Possession of destructive devices.

A person who manufactures, possesses, stores, or transports a destructive device or a hoax device shall be imprisoned for not more than 10 years or fined not more than \$ 5,000.00, or both.

Chapter 85 – Weapons
Subchapter 1 – Generally

Section 4004. Possession of dangerous or deadly weapon in a school bus or school building or on school property.

(a) No person shall knowingly possess a firearm or a dangerous or deadly weapon while within a school building or on a school bus. A person who violates this section shall, for the first offense, be imprisoned for not more than 1 year or fined not more than \$1,000, or both, and for a second or subsequent offense shall be imprisoned for not more than 3 years or fined not more than \$5,000, or both.

(b) No person shall knowingly possess a firearm or a dangerous or deadly weapon on any school property with the intent to injure another person. A person who violates this section shall, for the first offense, be imprisoned for not more than 3 years or fined not more than \$1,000, or both, and for a second or subsequent offense shall be imprisoned for not more than 5 years or fined not more than \$5,000, or both.

(c) This section shall not apply to:

- (1) A law enforcement officer while engaged in law enforcement duties.
- (2) Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.

(d) As used in this section:

- (1) **"School property"** means any property owned by a school, including motor vehicles.
- (2) **"Owned by the school"** means owned, leased, controlled or subcontracted by the school.
- (3) **"Dangerous or deadly weapon"** shall have the same meaning as in section 4016 of this title.
- (4) **"Firearm"** shall have the same meaning as in section 4016 of this title.
- (5) **"Law enforcement officer"** shall have the same meaning as in section 4016 of this title.

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

Section 4006. Record of firearm sales.

All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his or her name to the record and

the pawnbroker or merchant shall preserve such record book for 6 years after the date of last entry and shall permit all enforcement officers to inspect the same at all reasonable times. A person, partnership or corporation who violates a provision of this section shall be fined not more than \$100.

Section 4007. Furnishing firearms to children.

A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of 16 years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than \$50 nor less than \$10. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Section 4008. Possession of firearms by children.

A child under the age of 16 years shall not, without the consent of his or her parents or guardian, have in his or her possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of 33 V.S.A. chapter 52.

Section 4010. Gun suppressors.

(a) As used in this section:

(1) "**Gun suppressor**" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

(2) "**Sport shooting range**" shall have the same meaning as used in 10 V.S.A. § 5227(a).

(b) A person shall not manufacture, make, or import a gun suppressor, except for:

(1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is registered as a manufacturer pursuant to 26 U.S.C. § 5802;

(2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered as an importer pursuant to 26 U.S.C. § 5802; or

(3) a person who makes a gun suppressor in compliance with the requirements of 26 U.S.C. § 5822.

(c) A person shall not use a gun suppressor in the State, except for use by:

(1) a Level III certified law enforcement officer or Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department;

(2) the Vermont National Guard in connection with its duties and responsibilities;

(3) a licensed manufacturer or a licensed importer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer or an importer pursuant to 26 U.S.C. § 5802, who in the ordinary course of his or her business as a manufacturer or as an importer tests the operation of the gun suppressor; or

(4) a person lawfully using a sport shooting range.

(d)

(1) A person who violates subsection (b) of this section shall be fined not less than \$500 for each offense.

(2) A person who violates subsection (c) of this section shall be fined \$50 for each offense.

Section 4013. Zip guns; switchblade knives.

A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is 3 inches or more in length, shall be imprisoned not more than 90 days or fined not more than \$100, or both.

Section 4014. Purchase of firearms in other states.

Residents of the state of Vermont may purchase rifles and shotguns in another state, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the state in which the purchase is made.

Section 4015. Purchase of firearms by nonresidents.

Residents of a state other than the state of Vermont may purchase rifles and shotguns in the state of Vermont, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, and provided further that such

residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the state in which such persons reside.

Section 4017. Persons prohibited from possessing firearms; conviction of violent crime.

- (a) A person shall not possess a firearm if the person has been convicted of a violent crime.
- (b) A person who violates this section shall be imprisoned not more than 2 years or fined not more than \$1,000, or both.
- (c) This section shall not apply to a person who is exempt from federal firearms restrictions under 18 U.S.C. § 925(c).
- (d) As used in this section:

(1)

(A) "Firearm" means:

- (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (ii) the frame or receiver of any such weapon; or
- (iii) any firearm muffler or firearm silencer.

(B) "Firearm" shall not include an antique firearm.

(2) "Antique firearm" means:

(A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

(B) Any replica of any firearm described in subdivision (A) of this subdivision (2) if the replica:

- (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
- (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol which is designed to use black powder or a black powder substitute and which cannot use fixed ammunition. As used in this subdivision (C), "antique firearm" shall not include a weapon which incorporates a firearm frame or receiver, a firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(3) "Violent crime" means:

(A)

(i) A listed crime as defined in subdivision 5301(7) of this title other than:

- (I) lewd or lascivious conduct as defined in section 2601 of this title;
- (II) recklessly endangering another person as defined in section 1025 of this title;
- (III) operating a vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);
- (IV) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);
- (V) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or
- (VI) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults; or

(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(B) An offense involving sexual exploitation of children in violation of chapter 64 of this title, or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c)(selling, dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3)(selling or dispensing LSD); 4233(b)(2), (b)(3), or (c)(selling, dispensing, or trafficking heroin); 4234(b)(2) or (b)(3)(selling or dispensing depressants, stimulants, and narcotics); 4234a(b)(2), (b)(3), or (c)(selling, dispensing,

or trafficking methamphetamine); 4235(c)(2) or (c)(3)(selling or dispensing hallucinogenic drugs); 4235a(b)(2) or (b)(3)(selling or dispensing Ecstasy), or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(D) A conviction of possession with intent to distribute a controlled substance other than marijuana in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

Section 4019. Firearms transfers; background checks.

(a) As used in this section:

(1) "**Firearm**" shall have the same meaning as in subsection 4017(d) of this title.

(2) "**Immediate family member**" means a spouse, parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, step-grandparent, grandchild, step-grandchild, great-grandparent, step-great-grandparent, great-grandchild, and step-great-grandchild.

(3) "**Law enforcement officer**" shall have the same meaning as in subdivision 4016(a)(4) of this title.

(4) "**Licensed dealer**" means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) "**Proposed transferee**" means an unlicensed person to whom a proposed transferor intends to transfer a firearm.

(6) "**Proposed transferor**" means an unlicensed person who intends to transfer a firearm to another unlicensed person.

(7) "**Transfer**" means to transfer ownership of a firearm by means of sale, trade, or gift.

(8) "**Unlicensed person**" means a person who has not been issued a license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C. § 923(a).

(b)

(1) Except as provided in subsection (e) of this section, an unlicensed person shall not transfer a firearm to another unlicensed person unless:

(A) the proposed transferor and the proposed transferee physically appear together with the firearm before a licensed dealer and request that the licensed dealer facilitate the transfer; and

(B) the licensed dealer agrees to facilitate the transfer.

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

(c)

(1) A licensed dealer who agrees to facilitate a firearm transfer pursuant to this section shall comply with all requirements of State and federal law and shall, unless otherwise expressly provided in this section, conduct the transfer in the same manner as the licensed dealer would if selling the firearm from his or her own inventory, but shall not be considered a vendor.

(2) A licensed dealer shall return the firearm to the proposed transferor and decline to continue facilitating the transfer if the licensed dealer determines that the proposed transferee is prohibited by federal or State law from purchasing or possessing the firearm.

(3) A licensed dealer may charge a reasonable fee to facilitate the transfer of a firearm between a proposed transferor and a proposed transferee pursuant to this section.

(d)

(1) An unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$ 500.00, or both.

(2) A person who violates subdivision (b)(2) of this section shall be imprisoned not more than one year or fined not more than \$ 500.00, or both.

(e) This section shall not apply to:

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

(2) the transfer of a firearm 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;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

(f) A licensed dealer who facilitates a firearm transfer pursuant to this section shall be immune from any civil or criminal liability for any actions taken or omissions made when facilitating the transfer in reliance on the provisions of this section. This subsection shall not apply to reckless or intentional misconduct by a licensed dealer.

Section 4020. Sale of firearms to persons under 21 years of age prohibited.

(a) A person shall not sell a firearm to a person under 21 years of age. A person who violates this subsection shall be imprisoned for not more than one year or fined not more than \$ 1,000.00, or both.

(b) This section shall not apply to:

(1) a law enforcement officer;

(2) an active or veteran member of the Vermont National Guard, of the National Guard of another state, or of the U.S. Armed Forces;

(3) a person who provides the seller with a certificate of satisfactory completion of a Vermont hunter safety course or an equivalent hunter safety course that is approved by the Commissioner; or

(4) a person who provides the seller with a certificate of satisfactory completion of a hunter safety course in another state or a province of Canada that is approved by the Commissioner.

(c) As used in this section:

(1) "**Firearm**" shall have the same meaning as in subsection 4017(d) of this title.

(2) "**Law enforcement officer**" shall have the same meaning as in subsection 4016(a) of this title.

(3) "**Commissioner**" means the Commissioner of Fish and Wildlife.

Section 4022. Bump-fire stocks; possession prohibited.

(a) As used in this section, "**bump-fire stock**" means a butt stock designed to be attached to a semiautomatic firearm and intended to increase the rate of fire achievable with the firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate a reciprocating action that facilitates the repeated activation of the trigger.

(b) A person shall not possess a bump-fire stock. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$ 1,000.00, or both.

(c) The Department of Public Safety shall develop, promote, and execute a collection process that permits persons to voluntarily and anonymously relinquish bump-fire stocks prior to the effective date of this section.

Subchapter 2 – Extreme Risk Protection Orders

Section 4051. Definitions.

As used in this subchapter:

(1) "**Court**" means the Family Division of the Superior Court.

(2) "**Dangerous weapon**" means an explosive or a firearm.

(3) "**Explosive**" means dynamite, or any explosive compound of which nitroglycerin forms a part, or fulminate in bulk or dry condition, or blasting caps, or detonating fuses, or blasting powder or any other similar explosive. The term does not include a firearm or ammunition therefor or any components of ammunition for a firearm, including primers, smokeless powder, or black gunpowder.

(4) "**Federally licensed firearms dealer**" means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).

(5) "**Firearm**" shall have the same meaning as in subsection 4017(d) of this title.

(6) "**Law enforcement agency**" means the Vermont State Police, a municipal police department, or a sheriff's department.

Section 4053. Petition for extreme risk protection order.

(e)

(1) The court shall grant the petition and issue an extreme risk protection order if it finds by clear and convincing evidence that the respondent poses an extreme risk of causing harm to himself or herself or another person by

purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

(2) An order issued under this subsection shall prohibit a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control for a period of up to six months.

Section 4054. Emergency relief; temporary ex parte order.

(d)

(1) An order issued under this section shall prohibit a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control for a period of up to 14 days.

Section 4055. Termination and renewal motions.

(a)

(1) The respondent may file a motion to terminate an extreme risk protection order issued under section 4053 of this title or an order renewed under subsection (b) of this section. A motion to terminate shall not be filed more than once during the effective period of the order. The State shall have the burden of proof by clear and convincing evidence.

(2) The court shall grant the motion and terminate the extreme risk protection order unless it finds by clear and convincing evidence that the respondent continues to pose an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

(b)

(1) A State's Attorney or the Office of the Attorney General may file a motion requesting that the court renew an extreme risk protection order issued under this section or section 4053 of this title for an additional period of up to six months.

(2) The court shall grant the motion and renew the extreme risk protection order for an additional period of up to six months if it finds by clear and convincing evidence that the respondent continues to pose an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

(c)

(d)

Section 4059. Relinquishment, storage, and return of dangerous weapons.

(a) A person who is required to relinquish a dangerous weapon other than a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall upon service of the order immediately relinquish the dangerous weapon to a cooperating law enforcement agency. The law enforcement agency shall transfer the weapon to the Bureau of Alcohol, Tobacco, Firearms and Explosives for proper disposition.

(b)

(1) A person who is required to relinquish a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall, unless the court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon service of the order immediately relinquish the firearm to a cooperating law enforcement agency or an approved federally licensed firearms dealer.

(2)

(A) The court may order that the person relinquish a firearm to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the court finds that relinquishment to the other person will not adequately protect the safety of any person.

(B) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall execute an affidavit on a form approved by the Court Administrator stating that the person:

(i) acknowledges receipt of the firearm;

(ii) assumes responsibility for storage of the firearm until further order of the court and specifies the manner in which he or she will provide secure storage;

(iii) is not prohibited from owning or possessing firearms under State or federal law; and

(iv) understands the obligations and requirements of the court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (C) of this subdivision (2) if the person

permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.

(C) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearm or any other person not authorized by law to possess the relinquished item obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (b)(1) of this section.

(c) A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to 20 V.S.A. § 2307(i)(3).

(d) Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items.

(e) An extreme risk protection order issued pursuant to section 4053 of this title or renewed pursuant to section 4055 of this title shall direct the law enforcement agency, approved federally licensed firearms dealer, or other person in possession of a firearm under subsection (b) of this section to release it to the owner upon expiration of the order.

(f)

(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person who takes possession of a firearm for storage purposes pursuant to this section shall not release it to the owner without a court order unless the firearm is to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of a firearm stored under this section, the law enforcement agency or firearms dealer in possession of the firearm shall make it available to the owner within three business days after receipt of the order and in a manner consistent with federal law.

(2)

(A) If the owner fails to retrieve the firearm within 90 days after the court order releasing it, the firearm may be sold for fair market value. Title to the firearm shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership, except that the Vermont State Police shall follow the procedure described in 20 V.S.A. § 2305.

(ii) The law enforcement agency or firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the court issues a final extreme risk protection order pursuant to section 4053 of this title.

(iii) As used in this subdivision (2)(A), "reasonable effort" shall mean notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.

(B) Proceeds from the sale of a firearm pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:

(i) associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and

(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (2)(B) shall be paid to the original owner.

(g) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of a firearm stored or transported pursuant to this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(h) This section shall be implemented consistent with the standards and guidelines established by the Department of Public Safety under 20 V.S.A. § 2307(i).

(i) Notwithstanding any other provision of this chapter:

(1) A dangerous weapon shall not be returned to the respondent if the respondent's possession of the weapon would be prohibited by state or federal law.

(2) A dangerous weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.

Section 406. 0 Appeals.

An extreme risk protection order issued by the court under section 4053 or 4055 of this title shall be treated as a final order for the purposes of appeal. Appeal may be taken by either party to the Supreme Court under the Vermont Rules of Appellate Procedure, and the appeal shall be determined forthwith.

Section 4061. Effect on other laws.

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

Title 24 – Municipal and County Government
Part 2 – Municipalities
Chapter 61 – Regulatory Provisions; Police Power of Municipalities
Subchapter 11 – Miscellaneous Regulatory Powers

Section 2295. Authority of municipal and county governments to regulate firearms, ammunition, hunting, fishing and trapping.

Except as otherwise provided by law, no town, city or incorporated village, by ordinance, resolution or other enactment, shall directly regulate hunting, fishing and trapping or the possession, ownership, transportation, transfer, sale, purchase, carrying, licensing or registration of traps, firearms, ammunition or components of firearms or ammunition. This section shall not limit the powers conferred upon a town, city or incorporated village under section 2291(8) of this title. The provisions of this section shall supersede any inconsistent provisions of a municipal charter.