

1 S.124

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: State sovereignty; authority to regulate firearms possessed or
6 manufactured in Vermont

7 Statement of purpose of bill as introduced: This bill proposes to exempt
8 certain firearms and firearm accessories in Vermont from federal regulation
9 and to establish a criminal fine for federal officials who enforce or attempt to
10 enforce a federal law purporting to regulate certain firearms and firearm
11 accessories in Vermont.

12 An act relating to state authority to regulate firearms possessed or
13 manufactured in Vermont

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

15 Sec. 1. 1 V.S.A. Chapter 25 is added to read:

16 CHAPTER 25. STATE AUTHORITY TO REGULATE FIREARMS

17 § 871. FIREARMS POSSESSED OR MANUFACTURED IN VERMONT;

18 EXEMPTION FROM FEDERAL REGULATION

19 (a) Not having traveled in interstate commerce, a personal firearm, a
20 firearm accessory, or ammunition that is possessed in Vermont or

1 manufactured commercially or privately in Vermont and that remains in this
2 State is not subject to federal law or federal regulation, including registration,
3 under the authority of the United States Congress to regulate interstate
4 commerce.

5 (b) Generic and insignificant parts that have other manufacturing or
6 consumer product applications are not firearms, firearm accessories, or
7 ammunition, and their importation into Vermont and incorporation into a
8 firearm, a firearm accessory, or ammunition manufactured in Vermont does
9 not subject the firearm, firearm accessory, or ammunition to federal regulation.

10 (c) Basic materials, such as unmachined steel and unshaped wood, are not
11 firearms, firearm accessories, or ammunition and are not subject to
12 congressional authority to regulate firearms, firearm accessories, and
13 ammunition under interstate commerce as if they were actually firearms,
14 firearm accessories, or ammunition. Federal authority to regulate interstate
15 commerce in basic materials does not include authority to regulate firearms,
16 firearm accessories, and ammunition possessed in Vermont or manufactured
17 in Vermont from basic materials.

18 (d) Firearm accessories that are imported into Vermont from another state
19 and that are subject to federal regulation as being in interstate commerce do not
20 subject a firearm to federal regulation under interstate commerce solely

1 because the accessories are attached to or used in conjunction with a firearm in
2 Vermont.

3 § 872. FEDERAL FIREARMS PROSECUTION; DEFENSE BY

4 ATTORNEY GENERAL

5 The Attorney General may defend a citizen of this State who is prosecuted
6 by the United States under the congressional power to regulate interstate
7 commerce for violation of a federal law related to the manufacture, sale,
8 transfer, or possession of a firearm, a firearm accessory, or ammunition
9 possessed in Vermont or manufactured and retained within Vermont.

10 § 873. FEDERAL FIREARMS BAN UNENFORCEABLE; PENALTY FOR

11 ATTEMPTED ENFORCEMENT

12 (a) A federal statute, regulation, rule, or order enacted or effective on or
13 after the effective date of this chapter is unenforceable in this State if the
14 federal statute, regulation, rule, or order attempts to:

15 (1) ban or restrict ownership of a semiautomatic firearm or a magazine
16 of a firearm; or

17 (2) require a firearm, magazine, or other firearm accessory to be
18 registered.

1 (b) An official, agent, or employee of the federal government who enforces
2 or attempts to enforce a federal statute, regulation, rule, or order that is
3 unenforceable under subsection (a) of this section may be fined not more than
4 \$1,000.00.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.