

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 735 entitled
3 “An act relating Executive Branch and Judiciary fees” respectfully reports that
4 it has considered the same and recommends that the Senate propose to the
5 House that the report of the Committee on Finance be amended by striking
6 Sec. 20 in its entirety and inserting in lieu thereof a new Sec. 20 to read as
7 follows:

8 Sec. 20. 20 V.S.A. § 2307 is added to read:

9 § 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM

10 ABUSE ORDER; STORAGE; FEES; RETURN

11 (a) As used in this section:

12 (1) “Federally licensed firearms dealer” means a licensed importer,
13 licensed manufacturer, or licensed dealer required to conduct national instant
14 criminal background checks under 18 U.S.C. § 922(t).

15 (2) “Firearm” shall have the same meaning as in 18 U.S.C. § 921(a)(3).

16 (3) “Law enforcement agency” means the Vermont State Police, a
17 municipal police department, or a sheriff’s department.

18 (4) “Person” means anyone who meets the definition of “intimate
19 partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or
20 household member under 15 V.S.A. § 1101.

1 (b)(1) A person who is required to relinquish firearms, ammunition, or
2 other weapons in the person's possession by a court order issued under 15
3 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent
4 with 18 U.S.C. § 922(g)(8) shall, unless the Court orders an alternative
5 relinquishment pursuant to subdivision (2) of this section, upon service of the
6 order immediately relinquish the firearms, ammunition, or weapons to a
7 cooperating law enforcement agency or an approved federally licensed
8 firearms dealer.

9 (2)(A) The Court [?? may//shall ??] order that the person relinquish the
10 firearms, ammunition, or other weapons to a person other than a cooperating
11 law enforcement agency or an approved federally licensed firearms dealer if
12 the Court finds that relinquishment to the other person will adequately protect
13 the safety of the victim.

14 (B) A person to whom firearms, ammunition, or other weapons are
15 relinquished pursuant to subdivision (2)(A) of this section shall execute an
16 affidavit on a form approved by the Court Administrator stating that the
17 person:

18 (i) acknowledges receipt of the firearms, ammunition, or other
19 weapons;
20 (ii) assumes responsibility for storage of the firearms,
21 ammunition, or other weapons until further order of the court;

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1 (iii) is not prohibited from owning or possessing firearms under

2 State or Federal law; and

3 (iv) understands the obligations and requirements of the Court

4 order, including the potential for the person to be subject to civil contempt

5 proceedings pursuant to this subdivision (2)(A) of this section if the person

6 permits the firearms, ammunition, or other weapons to be possessed, accessed

7 or used by the person who relinquished the firearm or by any other person not

8 authorized by law to do so.

9 (C) A person to whom firearms, ammunition, or other weapons are

10 relinquished pursuant to this subdivision (2)(A) of this section shall be subject

11 to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits

12 the firearms, ammunition, or other weapons to be possessed, accessed or used

13 by the person who relinquished the firearm or by any other person not

14 authorized by law to do so.

15 (c) A law enforcement agency or an approved federally licensed firearms

16 dealer who takes possession of a firearm, ammunition, or other weapon

17 pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and

18 store the item in accordance with standards and guidelines established by the

19 Department of Public Safety pursuant to subdivision (h)(3) of this section. A

20 firearm, ammunition, or other weapon shall not be taken into possession

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1 pursuant to this section if it is being or may be used as evidence in a pending
2 criminal matter.

3 (d)(1) A law enforcement agency or an approved federally licensed
4 firearms dealer who stores firearms, ammunition, or weapons pursuant to
5 subsection (d) of this section may charge the owner:

6 (A) a reasonable storage fee, not to exceed \$X.00 per firearm per
7 week or part thereof; and

8 (B) a reasonable transport, processing, and retrieval fee, as may be
9 applicable, not to exceed \$X.00 in total per relinquishment order.

10 (2)(A) Total fees imposed pursuant to this subsection per owner per
11 relinquishment order shall not exceed \$X.00 over a 365-day period unless:

12 (i) the parties agree to a greater fee; and
13 (ii) a greater fee is necessary to cover actual costs.

14 (B) As used in this subdivision, “actual costs” means expenses
15 directly related to taking possession, transporting, processing, storing,
16 retrieving, and selling the item pursuant to this section and shall not include
17 costs associated with overhead expenses of the facility.

18 (3) Fees permitted by this subsection shall not begin to accrue until after
19 the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

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

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1 (f)(1) A law enforcement agency or an approved federally licensed firearms
2 dealer who takes possession of firearms, ammunition, or weapons for storage
3 purposes pursuant to this section shall not release the item to the owner without
4 a court order unless the item is to be sold pursuant to subdivision (2)(A) of this
5 subsection. If a court orders the release of firearms, ammunition, or weapons
6 stored under this section, the law enforcement agency or firearms dealer in
7 possession of the item shall make it available to the owner within three
8 business days of receipt of the order and in a manner consistent with federal
9 law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for
10 judicial proceedings under this subsection.

11 (2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or
12 weapon and pay the applicable storage fee within 90 days of the court order
13 releasing the item, or if the owner fails to pay the storage fee for 90 days in
14 violation of the applicable fee schedule, the firearm, ammunition, or weapon
15 may be sold for fair market value. Title to the item shall pass to the law
16 enforcement agency or firearms dealer for the purpose of transferring
17 ownership.

18 (ii) The law enforcement agency or firearms dealer shall make a
19 reasonable effort to notify the owner of the sale before it occurs. In no event
20 shall the sale occur until after the Court issues a final relief from abuse order
21 pursuant to 15 V.S.A. § 1103.

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19 (h) The Department of Public Safety shall be responsible for the
20 implementation of and establishment of standards and guidelines to carry out
21 this section. To carry out this responsibility, the Department shall:

1 (1) establish minimum standards to be a qualified storage location and

2 maintain a list of qualified storage locations including:

3 (A) federally licensed firearms dealers who annually certify

4 compliance with the Department's standards to receive firearms, ammunition,

5 or other weapons pursuant to subdivision (b)(2) of this section; and

6 (B) cooperating law enforcement agencies;

7 (2) establish a fee schedule consistent with the fees established in this

8 section for the transportation, processing, storage, and retrieval of firearms,

9 ammunition, and other weapons pursuant to this section;

10 (3) establish standards and guidelines to provide for the transportation

11 and storage of firearms, ammunition and other weapons pursuant to this

12 section;

13 (4) establish a process by which an owner who has failed to make

14 storage fee payments may become current on the payment schedule in order to

15 avoid a sale of the stored item or items; and

16 (5) report on January 15, 2015 and annually thereafter to the House and

17 Senate Committees on Judiciary on the status of the program.

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1 (Committee vote: _____)

2 _____

3 Senator _____

4 FOR THE COMMITTEE

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