

1 S.209

2 Introduced by Senators Sears, Baruth, Campion, Bray, Chittenden, Gulick,
3 Harrison, Lyons, McCormack, Watson, Weeks, White and
4 Wrenner

5 Referred to committee on Judiciary

6 Date: January 3, 2024

7 Subject: Criminal procedures; firearms; unserialized firearms, frames, and
8 receivers

9 Statement of purpose of bill as introduced: This bill proposes to prohibit the
10 possession and transfer of unserialized firearms and unserialized firearms
11 frames and receivers, also known as ghost guns. The bill establishes a process
12 that permits Federal firearms dealers and licensees to print serial numbers on
13 unserialized firearms and unserialized firearms frames and receivers. The bill
14 also requires that proceedings against persons 14–21 years of age originate in
15 the Criminal Division of the Superior Court if the person is charged with
16 human trafficking, trafficking a regulated drug, carrying a firearm while
17 committing a felony, or aggravated stalking.

18 ~~An act relating to prohibiting unserialized firearms and unserialized~~
19 ~~firearms frames and receivers, and to juvenile offenses in the Criminal~~
20 ~~Division~~

*An act relating to prohibiting unserialized firearms and unserialized
firearms frames and receivers*

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

2 ~~Sec. 1. SHORT TITLE~~

3 ~~This act shall be known as the Vermont Ghost Guns Act.~~

4 Sec. 2. 13 V.S.A. chapter 85 is amended to read:

5 CHAPTER 85. WEAPONS

6 * * *

7 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

8 § 4081. DEFINITIONS

9 As used in this subchapter:

10 (1) “Federal firearms licensee” means a federally licensed firearm
11 dealer, federally licensed firearm importer, and federally licensed firearm
12 manufacturer.

13 (2) “Federally licensed firearm dealer” means a licensed dealer as
14 defined in 18 U.S.C. § 921(a)(11).

15 (3) “Federally licensed firearm importer” means a licensed importer as
16 defined in 18 U.S.C. § 921(a)(9).

17 (4) “Federally licensed firearm manufacturer” means a licensed
18 manufacturer as defined in 18 U.S.C. § 921(a)(10).

19 (5) “Fire control component” means a component necessary for the
20 firearm to initiate, complete, or continue the firing sequence, including any of

1 ~~the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger~~
2 ~~mechanism, firing pin, striker, or slide rails.~~

3 (6) “Frame or receiver of a firearm” means a part of a firearm that,
4 when the complete firearm is assembled, is visible from the exterior and
5 provides housing or a structure designed to hold or integrate one or more fire
6 control components, even if pins or other attachments are required to connect
7 the fire control components. Any part of a firearm imprinted with a serial
8 number is presumed to be a frame or receiver of a firearm unless the Federal
9 Bureau of Alcohol, Tobacco, Firearms and Explosives makes an official
10 determination otherwise or there is other reliable evidence to the contrary.

11 (7) “Three-dimensional printer” means a computer-aided manufacturing
12 device capable of producing a three-dimensional object from a three-
13 dimensional digital model through an additive manufacturing process that
14 involves the layering of two-dimensional cross sections formed of a resin or
15 similar material that are fused together to form a three-dimensional object.

16 (8) “Unfinished frame or receiver” means any forging, casting, printing,
17 extrusion, machined body, or similar article that has reached a stage in
18 manufacture when it may readily be completed, assembled, or converted to be
19 used as the frame or receiver of a functional firearm or that is marketed or sold
20 to the public to become or be used as the frame or receiver of a functional
21 firearm once completed, assembled, or converted.

~~§ 4082. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED~~

FIREARMS, FRAMES, AND RECEIVERS

~~(a)(1) A person shall not knowingly possess, transfer, or offer to transfer an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4083 of this title.~~

~~(2) This subsection does not apply to:~~

~~(A) a federal firearms licensee acting within the scope of the licensee's license; or~~

~~(B) temporary possession or transfer of an unfinished frame or receiver for the purpose of having it imprinted with a serial number pursuant to federal law or section 4083 of this title.~~

~~(b)(1) A person shall not knowingly possess, transfer, or offer to transfer a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4083 of this title.~~

~~(2) This subsection does not apply to:~~

~~(A) a federal firearms licensee acting within the scope of the licensee's license, or~~

1 ~~(B) temporary possession or transfer of a firearm or frame or receiver~~
2 of a firearm for the purpose of having it imprinted with a serial number
3 pursuant to federal law or section 4083 of this title;

4 (C) an antique firearm as defined in subsection 4017(d) of this title;

5 (D) a firearm that has been rendered permanently inoperable; or

6 (E) a firearm that was manufactured before 1968.

7 (c)(1) A person shall not manufacture a firearm or frame or receiver of a
8 firearm, including by a three-dimensional printer, that is not imprinted with a
9 serial number by a federal firearms licensee pursuant to federal law or section
10 4083 of this title.

11 (2) This section shall not apply to a federally licensed firearms
12 manufacturer acting within the scope of the manufacturer's license.

13 (d)(1) A person who violates this section shall be

14 (A) for a first offense imprisoned for not more than one year or fined
15 not more than \$500.00, or both;

16 (B) for a second offense imprisoned for not more than two years or
17 fined not more than \$1,000.00, or both; and

18 (C) for a third or subsequent offense imprisoned for not more than
19 three years or fined not more than \$2,000.00, or both.

1 ~~(2) A person who possesses an unserialized firearm in violation of this~~
2 section while committing a felony shall be imprisoned for not more than five
3 years or fined not more than \$5,000.00, or both.

4 § 4083. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
5 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

6 (a) A federal firearms licensee may imprint a serial number on an
7 unserialized firearm or frame or receiver of a firearm pursuant to this section.

8 (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall
9 be imprinted with a serial number that begins with the licensee's abbreviated
10 federal firearms license number, which is the first three and last five digits of
11 the license number, and is followed by a hyphen that precedes a unique
12 identification number. The serial number shall not be duplicated on any other
13 firearm, frame, or receiver serialized by the licensee and shall be imprinted in
14 a manner that complies with the requirements under federal law for affixing
15 serial numbers to firearms, including that the serial number be at the minimum
16 size and depth and not susceptible to being readily obliterated, altered, or
17 removed.

18 (2) A licensee who serializes a firearm, frame, or receiver pursuant to
19 this section shall make and retain records of the serialization that comply with
20 the requirements under federal law for the sale of a firearm. In addition to any
21 record required by federal law, the record shall include the date, name, age,

1 ~~and residence of any person to whom the item is transferred and the unique~~
2 ~~serial number imprinted on the firearm, frame, or receiver.~~

3 ~~(c) Returning a firearm, frame, or receiver to a person after it has been~~
4 ~~serialized pursuant to federal law or this section constitutes a transfer that~~
5 ~~requires a background check of the transferee. A federal licensee who~~
6 ~~serializes a firearm, frame, or receiver pursuant to this section shall conduct a~~
7 ~~background check on the transferee pursuant to subsection 4019(c) of this title,~~
8 ~~provided that if the transfer is denied, the licensee shall surrender the firearm,~~
9 ~~frame, or receiver to a law enforcement agency.~~

10 ~~(d) A licensee who violates subsection (b) or (c) of this section shall be~~
11 ~~imprisoned for not more than one year or fined not more than \$500.00, or~~
12 ~~both.~~

13 Sec. 3. 33 V.S.A. § 5204 is amended to read:

14 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
15 COURT

16 (a) After a petition has been filed alleging delinquency, upon motion of the
17 State's Attorney and after hearing, the Family Division of the Superior Court
18 may transfer jurisdiction of the proceeding to the Criminal Division of the
19 Superior Court if the child had attained 16 years of age but not 19 years of age
20 at the time the act was alleged to have occurred and the delinquent act set forth
21 ~~in the petition is a felony not specified in subdivisions (1)–(12) of this~~

1 ~~subsection or if the child had attained 12 years of age but not 14 years of age~~

2 at the time the act was alleged to have occurred, and if the delinquent act set

3 forth in the petition was any of the following:

4 * * *

5 (11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and
6 aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a or an
7 attempt to commit either of those offenses; or

8 (12) burglary into an occupied dwelling as defined in 13 V.S.A.
9 § 1201(c) or an attempt to commit that offense;

10 (13) carrying a firearm while committing a felony in violation of
11 13 V.S.A. § 4005;

12 (14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,
13 subchapter 1;

14 (15) human trafficking or aggravated human trafficking in violation of
15 13 V.S.A. § 2652 or 2653; or

16 (16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3).

17 Sec. 4. EFFECTIVE DATE

18 ~~This act shall take effect on January 1, 2024.~~

Sec. 1. 13 V.S.A. chapter 85 is amended to read:

CHAPTER 85. WEAPONS

** * **

Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

§ 4081. SHORT TITLE

This subchapter shall be known as the “Vermont Ghost Guns Act.”

§ 4082. DEFINITIONS

As used in this subchapter:

(1) “Federal firearms licensee” means a federally licensed firearm dealer, federally licensed firearm importer, and federally licensed firearm manufacturer.

(2) “Federally licensed firearm dealer” means a licensed dealer as defined in 18 U.S.C. § 921(a)(11).

(3) “Federally licensed firearm importer” means a licensed importer as defined in 18 U.S.C. § 921(a)(9).

(4) “Federally licensed firearm manufacturer” means a licensed manufacturer as defined in 18 U.S.C. § 921(a)(10).

(5) “Fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(6) “Frame or receiver of a firearm” means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any part of a firearm imprinted with a serial number is presumed to be a frame or receiver of a firearm unless the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives makes an official determination otherwise or there is other reliable evidence to the contrary.

(7) “Three-dimensional printer” means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.

(8) “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.

(9) "Violent crime" has the same meaning as in section 4017 of this title.

§ 4083. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED
FIREARMS, FRAMES, AND RECEIVERS

(a)(1) A person shall not knowingly possess, transfer, or offer to transfer an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) This subsection shall not apply to:

(A) a federal firearms licensee acting within the scope of the licensee's license;

(B) temporary possession or transfer of an unfinished frame or receiver for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title; or

(C) an unfinished frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes.

(b)(1) A person shall not knowingly possess, transfer, or offer to transfer a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) This subsection shall not apply to:

(A) a federal firearms licensee acting within the scope of the licensee's license;

(B) temporary possession or transfer of a firearm or frame or receiver of a firearm for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title;

(C) an unserialized frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes;

(D) an antique firearm as defined in subsection 4017(d) of this title;

(E) a firearm that has been rendered permanently inoperable; or

(F) a firearm that was manufactured before 1968.

~~(c)(1) A person shall not manufacture a firearm or frame or receiver of a firearm, including by a three-dimensional printer, that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.~~

~~(2) This subsection shall not apply to a federally licensed firearms manufacturer acting within the scope of the manufacturer's license.~~

(c)(1) A person who manufactures a firearm or frame or receiver of a firearm, including by a three-dimensional printer, shall cause the firearm, frame, or receiver to be imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) This subsection shall not apply to:

(A) a federally licensed firearms manufacturer acting within the scope of the manufacturer's license; or

(B) temporary possession or transfer of a firearm or frame or receiver of a firearm for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title.

(d)(1) A person who violates this section shall be:

(A) for a first offense, imprisoned for not more than one year or fined not more than \$500.00, or both;

(B) for a second offense, imprisoned for not more than two years or fined not more than \$1,000.00, or both; and

(C) for a third or subsequent offense, imprisoned for not more than three years or fined not more than \$2,000.00, or both.

(2) A person who uses an unserialized firearm while committing a violent crime shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both.

§ 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

(a) A federal firearms licensee may imprint a serial number on an unserialized firearm or frame or receiver of a firearm pursuant to this section.

(b)(1) A firearm, frame, or receiver serialized pursuant to this section shall be imprinted with a serial number that begins with the licensee's abbreviated federal firearms license number, which is the first three and last five digits of the license number, and is followed by a hyphen that precedes a unique identification number. The serial number shall not be duplicated on any other firearm, frame, or receiver serialized by the licensee and shall be imprinted in a manner that complies with the requirements under federal law for affixing serial numbers to firearms, including that the serial number be at the minimum size and depth and not susceptible to being readily obliterated, altered, or removed.

(2) A licensee who serializes a firearm, frame, or receiver pursuant to this section shall make and retain records of the serialization that comply with the requirements under federal law for the sale of a firearm. In addition to any record required by federal law, the record shall include the date, name, age, and residence of any person to whom the item is transferred and the unique serial number imprinted on the firearm, frame, or receiver.

(3) A licensee shall not be deemed a firearms manufacturer solely for serializing a firearm, frame, or receiver pursuant to this section.

(c) Returning a firearm, frame, or receiver to a person after it has been serialized pursuant to federal law or this section constitutes a transfer that requires a background check of the transferee. A federal licensee who serializes a firearm, frame, or receiver pursuant to this section shall conduct a background check on the transferee pursuant to subsection 4019(c) of this title, provided that if the transfer is denied, the licensee shall deliver the firearm, frame, or receiver to a law enforcement agency for disposition. The agency shall provide the licensee with a receipt on agency letterhead for the firearm, frame, or receiver.

(d) A licensee who violates subsection (b) or (c) of this section shall:

(1) for a first offense, be fined not more than \$2,500.00; and

(2) for a second or subsequent offense, be imprisoned for not more than one year or fined not more than \$2,500.00, or both.

Sec. 2. EFFECTIVE DATE

This act shall take effect on December 31, 2024.