

1 H.314

2 Introduced by Representatives McCann of Montpelier, Anthony of Barre City,
3 Arsenault of Williston, Austin of Colchester, Berbeco of
4 Winooski, Black of Essex, Brady of Williston, Buss of
5 Woodstock, Chapin of East Montpelier, Dodge of Essex, Dolan
6 of Essex Junction, Dolan of Waitsfield, Graning of Jericho,
7 Headrick of Burlington, Krasnow of South Burlington, Logan
8 of Burlington, Masland of Thetford, McGill of Bridport, Minier
9 of South Burlington, Mulvaney-Stanak of Burlington, Priestley
10 of Bradford, Stebbins of Burlington, and Stone of Burlington

11 Referred to Committee on

12 Date:

13 Subject: Crimes; possession of firearms and deadly weapons in schools

14 Statement of purpose of bill as introduced: This bill proposes to prohibit
15 firearms and deadly weapons in schools and on school property, except by law
16 enforcement officers or with the approval of the school board, superintendent,
17 or principal.

18 An act relating to prohibiting firearms and deadly weapons in schools and
19 on school property

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

2 Sec. 1. 13 V.S.A. § 4004 is amended to read:

3 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
4 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
5 PROPERTY

6 (a) No person shall knowingly possess a firearm or a dangerous or deadly
7 weapon while within a school building ~~or~~, on a school bus, or on any school
8 property. A person who violates this section shall, for the first offense, be
9 imprisoned for not more than one year or fined not more than \$1,000.00, or
10 both, and for a second or subsequent offense shall be imprisoned for not more
11 than three years or fined not more than \$5,000.00, or both.

12 ~~(b) No person shall knowingly possess a firearm or a dangerous or deadly~~
13 ~~weapon on any school property with the intent to injure another person. A~~
14 ~~person who violates this section shall, for the first offense, be imprisoned for~~
15 ~~not more than three years or fined not more than \$1,000.00, or both, and for a~~
16 ~~second or subsequent offense shall be imprisoned for not more than five years~~
17 ~~or fined not more than \$5,000.00, or both. [Repealed.]~~

18 (c) This section shall not apply to:

19 (1) A law enforcement officer while engaged in law enforcement duties.

20 (2) Possession and use of firearms or dangerous or deadly weapons if
21 the board of school directors, or the superintendent or principal if delegated

1 authority to do so by the board, authorizes possession or use for specific
2 occasions or for instructional or other specific purposes.

3 (d) As used in this section:

4 (1) "School property" means any property owned by a school, including
5 motor vehicles.

6 (2) "Owned by the school" means owned, leased, controlled, or
7 subcontracted by the school.

8 (3) "Dangerous or deadly weapon" ~~shall have~~ has the same meaning as
9 in section 4016 of this title.

10 (4) "Firearm" ~~shall have~~ has the same meaning as in section 4016 of this
11 title.

12 (5) "Law enforcement officer" ~~shall have~~ has the same meaning as in
13 section 4016 of this title.

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

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.