

1 SPECIAL SESSION

2 H.11

3 Introduced by Representatives Grad of Moretown, Pugh of South Burlington,
4 Jessup of Middlesex, LaLonde of South Burlington, Morris of
5 Bennington, and Townsend of South Burlington

6 Referred to Committee on

7 Date:

8 Subject: Family proceedings; relief from abuse; possession of firearm or
9 deadly weapon

10 Statement of purpose of bill as introduced: This bill proposes to prohibit a
11 person subject to a relief from abuse order from possessing a firearm or deadly
12 weapon while the order is in effect.

13 An act relating to relief from abuse orders

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

15 Sec. 1. 15 V.S.A. § 1103 is amended to read:

16 § 1103. REQUESTS FOR RELIEF

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18 (c)(1) The court shall make such orders as it deems necessary to protect the
19 plaintiff or the children, or both, if the court finds that the defendant has
20 abused the plaintiff, and:

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(3)(A) The court order shall require the defendant to relinquish all firearms and deadly weapons that are in the control, ownership, or possession of the defendant, or in the control, ownership, or possession of any other person on behalf of the defendant, for the duration of the protective order.

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

* * *

Sec. 2. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

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(4)(A) The court order shall require the defendant to relinquish all firearms and deadly weapons that are in the control, ownership, or possession of the defendant, or in the control, ownership, or possession of any other person on behalf of the defendant, for the duration of the protective order.

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

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.