

1 H.80

2 Introduced by Representatives Brennan of Colchester, Till of Jericho, and

3 Chase of Colchester

4 Referred to Committee on

5 Date:

6 Subject: Fish and wildlife; game; hunting; gun suppressors

7 Statement of purpose of bill as introduced: This bill proposes to authorize a
8 person to possess, use, or carry a gun suppressor while hunting. The purpose
9 of the bill is to provide hearing protection for persons while hunting.

10 An act relating to hearing protection while hunting

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

12 Sec. 1. FINDINGS; PURPOSE; TITLE

13 (a) Findings. The General Assembly finds that:

14 (1) Research shows that the majority of gunshots register between 140
15 and 185 decibels.

16 (2) According to the Occupational Safety and Health Administration,
17 exposure to any noise louder than 140 decibels can cause hearing damage.

18 (3) Hunters cannot wear hearing protection devices, such as earmuffs or
19 ear plugs, because they need to maintain the ability to hear their surroundings
20 while hunting.

1 (4) In a 2011 study, the Centers for Disease Control and Prevention
2 stated that “the only potentially effective noise control method to reduce ...
3 noise exposure from gunfire is through the use of noise suppressors that can be
4 attached to the end of the gun barrel.”

5 (5) In 2014, the National Institute for Occupational Safety and Health
6 recommended that “if feasible and legally permissible,” one should “attach
7 noise suppressors to firearms to reduce peak sound pressure levels.”

8 (6) Noise suppressors on guns do not completely silence the noise of a
9 gunshot, but reduce the noise of a gunshot by approximately 20 to 35 decibels
10 to a safer, more protective level for hearing.

11 (7) Approximately 40 states authorize the use of gun suppressors while
12 hunting.

13 (8) Under current Vermont law, it is illegal for a person engaged in
14 hunting to use, carry, or have in his or her possession a gun suppressor.

15 (9) To protect the hearing safety and health of hunters in Vermont,
16 statute should be amended to allow validly licensed hunters in the State to use
17 gun suppressors while hunting.

18 (b) Purpose. The purpose of this act is to provide persons engaged in
19 hunting with additional alternatives for protecting their hearing from the noise
20 generated by the discharge of a firearm.

21 (c) Title. This act shall be known and cited as the Hearing Protection Act.

1 Sec. 2. 13 V.S.A. § 4010 is amended to read:

2 § 4010. GUN SUPPRESSORS

3 (a) As used in this section:

4 (1) “Gun suppressor” means any device for silencing, muffling, or
5 diminishing the report of a portable firearm, including any combination of
6 parts, designed or redesigned, and intended for use in assembling or fabricating
7 a gun suppressor, and any part intended only for use in such assembly or
8 fabrication.

9 (2) “Sport shooting range” shall have the same meaning as used in
10 10 V.S.A. § 5227(a).

11 (b) A person shall not manufacture, make, or import a gun suppressor,
12 except for:

13 (1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is
14 registered as a manufacturer pursuant to 26 U.S.C. § 5802;

15 (2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered
16 as an importer pursuant to 26 U.S.C. § 5802; or

17 (3) a person who makes a gun suppressor in compliance with the
18 requirements of 26 U.S.C. § 5822.

19 (c) A person shall not use a gun suppressor in the State, except for use by:

20 (1) a Level III certified law enforcement officer or Department of Fish
21 and Wildlife employee in connection with his or her duties and responsibilities

1 and in accordance with the policies and procedures of that officer's or
2 employee's agency or department;

3 (2) the Vermont National Guard in connection with its duties and
4 responsibilities;

5 (3) a licensed manufacturer or a licensed importer, as defined in
6 18 U.S.C. § 921, who is also registered as a manufacturer or an importer
7 pursuant to 26 U.S.C. § 5802, who in the ordinary course of his or her business
8 as a manufacturer or as an importer tests the operation of the gun suppressor;

9 ~~or~~

10 (4) a person lawfully using a sport shooting range; or

11 (5) a person taking game as authorized under 10 V.S.A. § 4701.

12 (d)(1) A person who violates subsection (b) of this section shall be fined
13 not less than \$500.00 for each offense.

14 (2) A person who violates subsection (c) of this section shall be fined
15 \$50.00 for each offense.

16 Sec. 3. 10 V.S.A. § 4701 is amended to read:

17 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL
18 DAY; DOGS; GUN SUPPRESSORS

19 (a) Unless otherwise provided by statute, a person shall not take game
20 except with:

21 (1) a gun fired at arm's length;

22 (2) a bow and arrow; or

1 (3) a crossbow as authorized under section 4711 of this title or as
2 authorized by the rules of the Board.

3 (b) A person shall not take game between one-half hour after sunset and
4 one-half hour before sunrise unless otherwise provided by statute or by the
5 rules of the Board.

6 (c) A person may take game and fur-bearing animals during the open
7 season therefor, with the aid of a dog, unless otherwise prohibited by statute or
8 by the rules of the Board.

9 (d) A person taking game with a gun may possess, carry, or use a gun
10 suppressor in the act of taking game.

11 Sec. 4. 10 V.S.A. § 4704 is amended to read:

12 § 4704. USE OF MACHINE GUNS; OR AUTOLOADING RIFLES, ~~AND~~
13 ~~GUN SUPPRESSORS~~

14 (a) A person engaged in hunting for wild animals shall not use, carry, or
15 have in his or her possession:

16 (1) a machine gun of any kind or description; or

17 (2) an autoloading rifle with a magazine capacity of over six cartridges,
18 except a .22 caliber rifle using rim fire cartridges; ~~or~~

19 ~~(3) a gun suppressor.~~

20 (b) ~~As used in this section, “gun suppressor” means any device for~~
21 ~~silencing, muffling, or diminishing the report of a portable firearm, including~~
22 ~~any combination of parts, designed or redesigned, and intended for use in~~

1 ~~assembling or fabricating a gun suppressor, and any part intended only for use~~
2 ~~in such assembly or fabrication.~~ [Repealed.]

3 Sec. 5. 10 V.S.A. § 4001 is amended to read:

4 § 4001. DEFINITIONS

5 Words and phrases used in this part, unless otherwise provided, shall be
6 construed to mean as follows:

7 * * *

8 (9) Game: game birds or game quadrupeds, or both.

9 (10) Game birds: quail, partridge, woodcock, pheasant, plover of any
10 kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild
11 geese, and wild turkey.

12 * * *

13 (15) Wild animals or wildlife: all animals, including birds, fish,
14 amphibians, and reptiles, other than domestic animals, domestic fowl, or
15 domestic pets.

16 * * *

17 (23) Take and taking: pursuing, shooting, hunting, killing, capturing,
18 trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts,
19 such as disturbing, harrying, worrying, or wounding or placing, setting,
20 drawing, or using any net or other device commonly used to take fish or wild
21 animals, whether they result in the taking or not; and shall include every
22 attempt to take and every act of assistance to every other person in taking or

1 attempting to take fish or wild animals, provided that when taking is allowed
2 by law, reference is had to taking by lawful means and in a lawful manner.

3 * * *

4 (41) Gun suppressor: any device for silencing, muffling, or diminishing
5 the report of a portable firearm, including any combination of parts, designed
6 or redesigned, and intended for use in assembling or fabricating a gun
7 suppressor, and any part intended only for use in such assembly or fabrication.

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on July 1, 2019.