

1 H.600

2 Introduced by Representative Sullivan of Dorset

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; firearms; Suspicious Activity Reports

6 Statement of purpose of bill as introduced: This bill proposes to require that
7 under certain circumstances firearms dealers file Suspicious Activity Reports
8 with the Commissioner of Public Safety regarding persons who have
9 purchased, attempted to purchase, or inquired about purchasing firearms.

10 An act relating to firearm suspicious activity reporting

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

12 Sec. 1. 13 V.S.A. § 4023 is added to read:

13 § 4023. SUSPICIOUS ACTIVITY REPORTS

14 (a) As used in this section:

15 (1) “Commissioner” means the Commissioner of Public Safety.

16 (2) “Firearm” has the same meaning as in subsection 4017(d) of this
17 title.

18 (3) “Reasonable suspicion” means a basis in fact apparent to a person
19 that would cause a person of ordinary prudence and sensitivity to conclude that
20 there exists a reasonable possibility that the person acquiring the firearm had

1 an intent, purpose, or design to do any act identified in subdivisions (b)(2)(A)–
2 (D) of this section.

3 (b) A federal firearms licensee (FFL) who conducts business in this State
4 shall file a Suspicious Activity Report with the Commissioner of Public Safety
5 on a form prescribed by the Commissioner if:

6 (1) a person purchases, attempts to purchase, or enquires about the price
7 or availability for purchase of a specific firearm from the FFL; and

8 (2) within 15 days after the purchase, attempted purchase, or inquiry, the
9 FFL becomes aware of facts giving rise to a reasonable suspicion that the
10 person who purchased, attempted to purchase, or inquired about the firearm is
11 seeking or has sought to:

12 (A) acquire a firearm for any person in a manner or using means
13 designed to avoid federal or State requirements relating to prohibited firearms
14 transactions or the recording or disclosure of information relating to any
15 transaction;

16 (B) acquire more than three firearms in any 30-day period;

17 (C) use the firearm in the commission of any offense punishable by a
18 term of imprisonment under the laws of this State or of the United States; or

19 (D) threaten or inflict harm on any person, including the person who
20 purchased, attempted to purchase, or inquired about the firearm.

1 (c) The Commissioner and any person who files a Suspicious Activity
2 Report pursuant to this section shall keep a copy of the report for a period of
3 not less than five years.

4 (d)(1) Suspicious Activity Reports filed pursuant to this section shall be
5 confidential and not subject to copying or inspecting under the Public Records
6 Act and shall not be subject to discovery in any civil or criminal proceeding.

7 (2) Notwithstanding subdivision (1) of this subsection, the
8 Commissioner may share a Suspicious Activity Report, a summary of the
9 report, or a compilation of several reports:

10 (3) to any federal or state authorities having licensing, recording,
11 reporting, or criminal enforcement jurisdiction relating to the sale, use, or
12 possession of firearms;

13 (4) in the case of reports of possible instances of harm to any person, to
14 law enforcement and health care professionals as the Commissioner shall
15 under the circumstances consider reasonably necessary to prevent occurrence
16 of the harm, in which case the professionals may share the information
17 received to the extent reasonably necessary to prevent the harm; and

18 (5) to the Governor, Attorney General, or the General Assembly,
19 provided that any information in the report or reports identifying persons
20 named or otherwise identified in the reports has been removed.

1 (e) An FFL who violates subsection (b) or (c), or subdivision (d)(1) of this
2 section shall be assessed a civil penalty of not more than \$1,000.00 per
3 violation.

4 (f) A person who has filed a Suspicious Activity Report shall not be subject
5 to civil liability as a result of the filing of the Report, whether the report is filed
6 reasonably and in good faith or not, and any person who has timely filed any
7 required report shall enjoy a privilege against compelled discovery or
8 production of the report in any proceeding in this State, provided that the facts
9 reported in the Suspicious Activity Report shall not be deemed privileged or
10 confidential in any such proceeding.

11 (g) The Commissioner shall adopt rules prescribing the form of Suspicious
12 Activity Reports required to be filed under this section. The form shall require,
13 among other things, an identification in narrative form of all facts related to the
14 suspicious activity being reported in sufficient detail to permit appropriate
15 investigation by federal or State law enforcement authorities.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2020.