

1 S.168

2 Introduced by Senator Illuzzi

3 Referred to Committee on

4 Date:

5 Subject: Crimes; negligent use of firearm

6 Statement of purpose: This bill proposes to reenact the crime of negligent use
7 of a firearm, which the Vermont Supreme Court held was repealed by
8 implication in *State v. Watson*, 138 Vt. 276 (1980). The crime would be a
9 misdemeanor if bodily injury resulted from negligent use of a firearm, and a
10 felony if serious bodily injury resulted.

11 An act relating to negligent use of a firearm

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

13 Sec. 1. LEGISLATIVE INTENT

14 The general assembly intends through this act to reenact the crime of
15 negligent use of a firearm, which the Vermont Supreme Court held was
16 repealed by implication in *State v. Watson*, 138 Vt. 276 (1980).

17 Sec. 2. 13 V.S.A. § 4009 is amended to read:

18 § 4009. NEGLIGENCE USE OF ~~GUN~~ FIREARM

19 (a) A person who carelessly or negligently wounds another person by
20 ~~gunshot~~ discharge of a firearm shall be:

1 (1) imprisoned not more than five years or fined not more than
2 \$1,000.00, or both, if the wounded person suffers serious bodily injury as
3 defined in subdivision 1021(2) of this title; or

4 (2) imprisoned not more than two years or fined not more than \$500.00,
5 or both, if the wounded person suffers bodily injury as defined in subdivision
6 1021(1) of this title.

7 (b) The provisions of this section shall not limit or restrict prosecutions and
8 convictions for other offenses.

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.