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H.31

Introduced by Representatives Till of Jericho and Brennan of Colchester

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to authorize a person to possess, carry, or use a gun suppressor while taking game with a gun.

An act relating to the use of gun suppressors for hunting

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

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

§ 4010. GUN SUPPRESSORS

(a) As used in this section:

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

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

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

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

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

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

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

10 (1) a Level III certified law enforcement officer or Department of Fish
11 and Wildlife employee in connection with his or her duties and responsibilities
12 and in accordance with the policies and procedures of that officer's or
13 employee's agency or department;

14 (2) the Vermont National Guard in connection with its duties and
15 responsibilities;

16 (3) a licensed manufacturer or a licensed importer, as defined in
17 18 U.S.C. § 921, who is also registered as a manufacturer or an importer
18 pursuant to 26 U.S.C. § 5802, who in the ordinary course of his or her business
19 as a manufacturer or as an importer tests the operation of the gun
20 suppressor; ~~or~~

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

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

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

4 (2) A person who violates subsection (c) of this section shall be fined
5 \$50.00 for each offense.

6 Sec. 2. 10 V.S.A. § 4701 is amended to read:

7 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL
8 DAY; DOGS; GUN SUPPRESSORS

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

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

12 (2) a bow and arrow; or

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

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

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

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

3 Sec. 3. 10 V.S.A. § 4704 is amended to read

4 § 4704. USE OF MACHINE GUNS, OR AUTOLOADING RIFLES, ~~AND~~
5 GUN SUPPRESSORS

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

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

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

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

12 (b) ~~As used in this section, "gun suppressor" means any device for~~
13 ~~silencing, muffling, or diminishing the report of a portable firearm, including~~
14 ~~any combination of parts, designed or redesigned, and intended for use in~~
15 ~~assembling or fabricating a gun suppressor, and any part intended only for use~~
16 ~~in such assembly or fabrication. [Repealed.]~~

17 Sec. 4. 10 V.S.A. § 4001 is amended to read:

18 § 4001. DEFINITIONS

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

21 * * *

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

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

5 * * *

6 (15) Wild animals or wildlife: all animals, including birds, fish,
7 amphibians, and reptiles, other than domestic animals.

8 * * *

9 (23) Take and taking: pursuing, shooting, hunting, killing, capturing,
10 trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts,
11 such as disturbing, harring or worrying, or wounding or placing, setting,
12 drawing, or using any net or other device commonly used to take fish or wild
13 animals, whether they result in the taking or not; and shall include every
14 attempt to take and every act of assistance to every other person in taking or
15 attempting to take fish or wild animals, provided that when taking is allowed
16 by law, reference is had to taking by lawful means and in lawful manner.

17 * * *

18 (40) Gun suppressor: any device for silencing, muffling, or diminishing
19 the report of a portable firearm, including any combination of parts, designed
20 or redesigned, and intended for use in assembling or fabricating a gun
21 suppressor, and any part intended only for use in such assembly or fabrication.

1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on passage.