

From: London, Sarah [Sarah.London@state.vt.us]
Sent: Friday, April 04, 2014 1:41 AM
To: Kenney, Sarah
Subject: Fwd: H. 735 Firearms Storage Proposal - Vermont Traditions Coalition

Purely FYI. Thank you on Carolyn. Happy to chat with her tomorrow as well. I've talked to J.Davenport, will update you tomorrow.

Sent from my iPad

Begin forwarded message:

From: Richard Sears <RSEARS@leg.state.vt.us>
Date: April 3, 2014 at 5:33:45 PM EDT
To: William Moore <wmoore@gmavt.net>
Cc: Penny Carpenter <PCarpenter@leg.state.vt.us>, "louis.porter@state.vt.us" <louis.porter@state.vt.us>, "sarah.london@state.vt.us" <sarah.london@state.vt.us>, "paco.aumand@state.vt.us" <paco.aumand@state.vt.us>, Frank Stanley <frankjstanley@wildblue.net>, "Erik Fitzpatrick" <EFITZPATRICK@leg.state.vt.us>
Subject: Re: H. 735 Firearms Storage Proposal - Vermont Traditions Coalition

Bill,
Thanks so much for helping us get closer to a resolution on this.
Dick

Sen. Dick Sears
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Appropriations Committee
Sent from my iPad

On Apr 3, 2014, at 4:33 PM, "William Moore" <wmoore@gmavt.net> wrote:

Senator Sears,

As we discussed, here is a description of the proposal and some background information to support our idea. VTC feels this process will provide a method of storage by third party at the defendants request while respecting the firearms ownership rights

of the defendant. I understand Legislative Council may already be involved in some draft language, I would be happy to contact that person to make things run smoothly. Let me know.

The bill should direct the following while clearly allowing that the defendant chooses which option to engage (state directed FFL storage or third party designee storage). The statute should direct the Court to develop the written instrument described below to provide for the following:

The proposal is to develop a written (form or letter) instrument which the courts would issue from the Court Administrator for use in serving defendants facing these Relief From Abuse orders. The written instrument would be provided to the defendant at the same time police serve notice to the defendant of the pending order. Presently, this notice by police may include a demand that all firearms and weapons be removed or that the defendant remove them to another location. The issue here is that the police lack the facilities and the desire to store the various items at the states' expense.

The added written instrument would allow the defendant to designate, with the persons consent, a third party agent (friend, relative, helpful attorney) to take possession of and be responsible for arranging storage of the firearms. If the defendant cannot produce a third party designee, the alternative of temporary storage under the bills other provision remains as an alternative. If the defendant does produce a third party designee at any time during the process (say a day or a week later), the Court would then acknowledge the signed instrument and release the items from state control into the control of the third party designee. This should relieve the crowded storage problems and minimize the need for reluctant Federal Firearms Licensees from carrying the burden.

The Court should develop the form as it intended to be issued by and recorded by the Court as an appearance instrument, subject to the same penalties of Contempt as other similar instruments sworn to by those appearing before the Court in person. Contempt is a punishable offense with potential jail time. This should satisfy any concern regarding "trusting" relatives and friends to keep the defendant away from the items. Obviously, the form must inform the third party designee of the potential hazard of Contempt charges should they not fulfill the responsibilities of that

agreement. Defendant is thereby forced to find a serious responsible third party who will take seriously the Court's demand that the defendant not be allowed access to the stored items.

1) The form must constitute an "appearance" before the court for the purpose of possible penalty for contempt. Both parties must sign the instrument. No physical appearance before the Court would be necessitated by the agreement for the designee.

2) It must designate clearly the third party and the defendant are willingly entering into the agreement, fully aware of the potential penalties if either fails to comply with the Court requirements.

3) It should clearly define "firearm" by federal statutory citation only. Legislative Counsel will have to offer guidance as to other "weapons" language. The form only needs to cover firearms for our purposes. A third party designee should not be needed for the kitchen knives. These and other non-regulated weapons are readily available and should not be made the responsibility of the designee in my opinion. Nothing here would prevent them from assisting in their removal.

4) The instrument should be revocable under identical terms as the FFL storage option described in the bill (i.e. notice, 3 days to comply, etc.) upon dismissal of any Relief From Abuse order.

5) The Court must notify the third party designee in the same manner as described for the FFL and clearly release that party from further hazard of contempt charges in writing either by certified mail or direct service by Court designee (Sheriff Deputy, etc.).

6) Nothing in the instrument shall be construed or designed such that it affects the actual ownership control of the defendant over the items. At any time during the process covered by the instrument, defendant should be able to direct the sale or gifting of the firearms (verbally or in writing), or otherwise change third party designees. Changing of designees would, of course, require a new written form and filing with the Court before transfer to the new designee.

I hope this answers your request. I believe we are on the right track and want to thank you for your patience with our group at yesterdays hearing. Clearly, your committee wants to produce an outcome that respects Vermonters rights to lawful gun ownership.

Thank you,

Bill Moore
Firearms Policy Analyst
Vermont Traditions Coalition

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