

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: S. 178 Name of Bill: AN ACT RELATING TO PROHIBITING THE POSSESSION OF FIREARMS AND OTHER DANGEROUS OR DEADLY WEAPONS ON ANY SCHOOL PROPERTY

Agency/Dept: VSP Author of Bill Review: Lt. Michael Manley

Date of Bill Review: 01-30-14 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☐ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

**Analysis of Bill**

1. Summary of bill and issue it addresses. The bill is asking to have it illegal to possess a firearm or a dangerous or deadly weapon on any school property. The issue this bill addresses is the fact that under current law in Title 13 section 4004 subsection (a), it states no person can possess a firearm or a dangerous or deadly weapon within a school building or on a school bus. Parking lots and other areas outside the building or school bus are currently not areas where it is illegal to possess a firearm or dangerous weapon (unless the person has intent to injure another person per subsection (b) of the current bill).
2. Is there a need for this bill? Yes, nobody should have a reason to carry a gun on school property. The existing law makes it illegal to take a weapon inside the school or on a school bus but leaves out the parking lots and other outside areas. Those areas are just as vulnerable to violence as inside the school or on the bus. The need to change the existing law arisen from a situation that happened in St. Albans in fall of 2013. Chief Gary Taylor, of the St. Albans Police Department, advised they had a student come to school with the intent to have his vehicle serviced at the tech shop in the school. A teacher went out to pull the vehicle inside and opened the glove box to find registration in order to make sure he had the right vehicle. The teacher then found a handgun with an extra magazine in the glove box. Further searching located a shotgun, two rifles, 2 tasers, a machete, and many shotgun shells. The student changed his story on why he had all the weapons but could not be charged criminally because the event happened in the parking lot and they could not prove he had intent to harm anyone.
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? The bill should not cause any fiscal or programmatic problems for the department.
4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? The bill should not cause any fiscal or programmatic problems for any state agencies since the bill focusses on limiting weapons strictly on school property. Their perspective is not applicable in this review.

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5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? This bill should not cause any fiscal or programmatic problems for any entity within the state of Vermont. From the people I have spoken with, most citizens feel we live in an age where nobody should have a weapon on school property.
6. Other Stakeholders:
  - 6.1 Who else is likely to support the proposal and why? I spoke with four High School principals located in Burlington, Middlebury, Vergennes, and Rutland so I could get feedback from large schools, smaller schools, urban schools, and rural schools. Three of the four principals very much supported the bill. One of the principals was concerned that the law would make it too black and white and limit common sense to be applied if for example the student was hunting and forgot to remove a firearm from his vehicle and got caught with it. Most of the principals advised they have already been enforcing no weapons internally anywhere on school property to include the parking lot so the law would not change their current practice. Police officers I spoke with support the bill. My opinion is that most school parents and the community in large would support this bill since it is hard to make an argument against a bill that will make students and teachers safer.
  - 6.2 Who else is likely to oppose the proposal and why? Senator Don Collins who is sponsoring the bill advised he has got some negative feedback from the hunting community and other gun supporters. These citizens say someone who wishes to hunt before or after school should not get in trouble for carrying a weapon in their vehicle on school property and have a right to possess a firearm.
7. Rationale for recommendation: The bill is a good piece of legislation. When the original law was written, the authors made it clear they wanted it to be illegal to take a weapon in the school or on the school bus but not include outside areas in subsection (a). This was a time where active shooters and school violence were not as prevalent as they are today. They did however include the school, school buses, and outside areas in subsection (b) of the law if the person has the intent to injure another person. Proving what someone's intent is for bringing a weapon to school can be difficult for law enforcement so having subsection (a) come in line with subsection (b) is a good idea. The bill makes exceptions for weapons to be brought on school property for law enforcement or any other person(s) authorized by school administration. People who make the argument that the law would be too black and white need to realize that our legal system has the ability to take each circumstance into consideration. The State's Attorneys who prosecutes cases, the juries who sit, and the judges who presides over cases have the ability to use judgment on the proper outcome. Students who wish to hunt before or after school will simply have to leave their weapons at home. This bill will not only try to discourage someone from bringing a weapon to school with bad intentions, but it will also take away the ability for students to bring a weapon to school with good intentions and show it to other curious students. Kids throughout the country are shot every year playing with guns. The benefits of this bill being signed into law far outweigh the disadvantages for society as a whole.
8. Specific modifications that would be needed to recommend support of this bill: The bill should make it clear that any on duty or off duty officer should be authorized to carry a weapon on school property.

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The law currently states that a law enforcement officer engaged in law enforcement duties is exempt so an off duty officer could potentially be at risk of violating the statute.

Secretary/Commissioner has reviewed this document

Date:

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