

From: London, Sarah [Sarah.London@state.vt.us]
Sent: Thursday, April 24, 2014 10:31 AM
To: Kenney, Sarah
Subject: Re: firearms storage - third party question

He had not yet but says he will.

Sent from my iPhone

On Apr 24, 2014, at 10:13 AM, "Sarah Kenney" <sarahk@vtnetwork.org> wrote:

Senator Sears did mention at one point that he was trying to make the affidavit section in line with the Florida forms (which I had forwarded to him) so I think we have reason to ask for this in conference. I'll try to mention it to him before we actually get to conference committee just to give him a heads-up. Sarah, do you know if Louis has talked to Evan about this piece? He thought that the Federation would be okay with making it criminal contempt since they agreed that third parties should be culpable somehow if they gave the firearms back to defendant in violation of the order, but he was going to double-check.

Thanks you two!
Sarah

Sarah Kenney
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From: Carolyn Hanson [<mailto:chanson@atg.state.vt.us>]
Sent: Thursday, April 24, 2014 7:32 AM
To: Sarah Kenney; Sarah London
Subject: RE: firearms storage - third party question

The Florida court that I mentioned to you has the third party sign a notarized affidavit that states it is under penalty of perjury and criminal contempt. See http://www.fullfaithandcredit.org/files/bwjp/articles/Firearms_Forms.pdf.

From: Sarah Kenney [<mailto:sarahk@vtnetwork.org>]
Sent: Wednesday, April 23, 2014 6:06 PM
To: Sarah London; Carolyn Hanson
Subject: Fwd: firearms storage - third party question

From Judge Davenport. Seems like we might need to spell it out in statute.

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Begin forwarded message:

From: "Davenport, Amy" <Amy.Davenport@state.vt.us>
Date: April 23, 2014 at 6:03:49 PM EDT
To: "Kenney, Sarah" <sarahk@vtnetwork.org>
Subject: RE: firearms storage - third party question

I don't think that they become a party to the rfa, at least I hope they don't. I am not sure that there would be grounds to hold them in criminal contempt much as one might want to.

From: Sarah Kenney [<mailto:sarahk@vtnetwork.org>]
Sent: Wednesday, April 23, 2014 2:56 PM
To: Davenport, Amy
Subject: firearms storage - third party question

Hi Judge Davenport,

I've been talking to various stakeholders about the third party provision in the firearms storage part of the fee bill, and I'm hoping you can help me with a question that came up. The language that came out of Senate Judiciary says that if a third party person allows the defendant to regain possession of their firearm, then the third party can be held in civil contempt. The advocacy community would be more comfortable with criminal contempt, to provide more accountability for third parties. We're wondering, though, whether the third party, by virtue of filing the affidavit and being named in the order, becomes a party to the RFA? And if so, would they then be subject to the criminal penalties and criminal contempt proceedings already laid out in the RFA statute if they fail to meet the responsibility they agreed to in the affidavit?

Hope this question makes sense, and thanks for any insight you can provide!
Sarah

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