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H.381

Introduced by Representatives Arsenault of Williston, Rachelson of
Burlington, and Mrowicki of Putney

Referred to Committee on

Date:

Subject: Crimes; gas-operated semiautomatic firearms; manufacture and
transfer prohibited

Statement of purpose: This bill proposes to prohibit the manufacture and
transfer of gas-operated semiautomatic firearms.

An act relating to prohibiting the manufacture and transfer of gas-operated
semiautomatic firearms

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

Sec. 1. 13 V.S.A. § 4028 is added to read:

§ 4028. GAS-OPERATED SEMIAUTOMATIC FIREARMS PROHIBITED

(a)(1) A person shall not manufacture, transfer, offer for sale, purchase, or
receive or import into this State any of the following firearms, devices, or
combinations of parts:

(A) a firearm that is included on the list of prohibited gas-operated
semiautomatic firearms published by the Attorney General pursuant to
subsection (e) of this section;

1 (B) a modified nonprohibited firearm that, as modified, operates as a
2 firearm included on the list of prohibited gas-operated semiautomatic firearms
3 published by the Attorney General pursuant to subsection (e) of this section;

4 (C) a combination of parts that is designed and functions to modify
5 an otherwise nonprohibited firearm so that the firearm, as modified, operates as
6 a gas-operated semiautomatic firearm included on the list of prohibited gas-
7 operated semiautomatic firearms published by the Attorney General pursuant
8 to subsection (e) of this section;

9 (D) a combination of parts that is designed to be assembled into a
10 firearm that operates as a firearm included on the list of prohibited gas-
11 operated semiautomatic firearms published by the Attorney General pursuant
12 to subsection (e) of this section; or

13 (E) a combination of parts that functions to produce a gas-operated
14 semiautomatic cycling action.

15 (2) As used in this subsection, “import” does not include the
16 transportation back into this State of a gas-operated semiautomatic firearm by
17 the same person who transported the weapon out of State if the person
18 possessed it on or before the effective date of this section.

19 (b) A person who violates subsection (a) of this section shall be imprisoned
20 for not more than one year or fined not more than \$1,000.00, or both.

1 (c) The prohibition on transfer, sale, and purchase of gas-operated
2 semiautomatic firearms established by subsection (a) of this section shall not
3 apply to a gas-operated semiautomatic firearm lawfully possessed by a
4 licensed dealer as defined in subdivision 4019(a)(4) of this title prior to the
5 effective date of this act and transferred by the dealer on or before October 1,
6 2025.

7 (d)(1) This section shall not apply to a gas-operated semiautomatic firearm:

8 (A) manufactured for, transferred to, or received by the United States
9 or a department or agency of the United States, or by any state or by a
10 department, agency, or political subdivision of a state;

11 (B) transferred to or received by a federal law enforcement officer or
12 a law enforcement officer certified as a law enforcement officer by the
13 Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358, for legitimate
14 law enforcement purposes;

15 (C) transferred to or received by a member of the U.S. Armed Forces
16 or the Vermont National Guard acting within the course of the member's
17 official duties;

18 (D) transferred to a licensee under Title I of the Atomic Energy Act
19 of 1954 for purposes of establishing and maintaining an on-site physical
20 protection system and security organization required by federal law, or
21 possessed by an employee or contractor of such a licensee on-site for these

1 purposes, or off-site for purposes of licensee-authorized training or
2 transportation of nuclear materials; or

3 (E) transferred to or received by one immediate family member from
4 another immediate family member.

5 (e)(1) On or before October 1, 2025, the Attorney General, in consultation
6 with the Commissioner of Public Safety, shall publish on its website a list of
7 gas-operated semiautomatic firearms that satisfy the definition of that term
8 contained in subsection (f) of this section. The Attorney General shall update
9 the list required by this subsection on or before October 1 of each year.

10 (2) Within 60 days after publication of the list of gas-operated
11 semiautomatic firearms by the Attorney General pursuant to this subsection, an
12 owner or manufacturer of a gas-operated semiautomatic firearm may appeal its
13 inclusion on the list to the Civil Division of the Superior Court pursuant to
14 Rule 75 of the Vermont Rules of Civil Procedure.

15 (3) The Department of Public Safety shall ensure all federally licensed
16 firearms dealers in Vermont are provided with a copy of the list of gas-
17 operated semiautomatic firearms published by the Attorney General pursuant
18 to this subsection.

19 (f) As used in this section:

20 (1) "Cycle the action" means to extract the fired cartridge case, chamber
21 the next cartridge, and prepare the firing mechanism to fire again.

1 (2) “Gas-operated” means any firearm that harnesses or traps a portion
2 of the high-pressure gas from a fired cartridge to cycle the action using:

3 (A) a long stroke piston, in which gas is vented from the barrel to a
4 piston that is mechanically fixed to the bolt group and moves to cycle the
5 action;

6 (B) a short stroke piston, in which gas is vented from the barrel to a
7 piston that moves separately from the bolt group so that the energy is imparted
8 through a gas piston to cycle the action;

9 (C) a system that traps and vents gas from either the barrel or the
10 chamber to directly strike or impinge the bolt, bolt carrier, or slide assembly to
11 unlock and cycle the action;

12 (D) a hybrid system that combines elements of a system described in
13 subdivision (C) of this subdivision (2) with a system described in subdivision
14 (A) or (B) of this subdivision (2) to capture gas vented from the barrel to cycle
15 the action; or

16 (E) a blowback-operated system that directly uses the expanding
17 gases of the ignited propellant powder acting on the cartridge case to drive the
18 breechblock or breech bolt rearward.

19 (3) “Immediate family member” means a spouse, parent, stepparent,
20 child, stepchild, sibling, stepsibling, grandparent, step-grandparent, grandchild,

1 step-grandchild, great-grandparent, step-great-grandparent, great-grandchild,
2 and step-great-grandchild.

3 (4) “Machine gun” has the same meaning as in Section 5845(b) of the
4 National Firearms Act, 26 U.S.C. § 5845(b), and includes a semiautomatic
5 firearm that has been modified in any way that:

6 (A) materially increases the rate of fire of the firearm; or

7 (B) approximates the action or rate of fire of a machine gun.

8 (5) “Semiautomatic firearm” means any firearm that:

9 (A) upon initiating the firing sequence, fires the first chambered
10 cartridge and uses a portion of the energy of the firing cartridge to:

11 (i) extract the expended cartridge case;

12 (ii) chamber the next round; and

13 (iii) prepare the firing mechanism to fire again; and

14 (B) requires a separate pull, release, push, or initiation of the trigger
15 to fire each cartridge; and

16 (C) is not a machine gun.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on October 1, 2025.