

Vermont Department of Public Safety

Guidelines for the Relinquishment and Storage of Firearms

The Vermont Department of Public Safety is charged with overseeing implementation of Vermont law that permits law enforcement and court-approved federally licensed dealers to charge a fee for the storage of firearms, ammunition, and other weapons while a relief from abuse order is in effect.¹ These guidelines only apply to cooperating law enforcement agencies or an approved federally licensed firearms dealer. The below Guidelines are pursuant to 20 V.S.A. § 2307.

The term firearm(s) in this document shall have the same meaning as 18 U.S.C. § 921(a)(3).

List of Qualified Storage Locations

The Department shall maintain a list of qualified storage sites for the storage of firearms when a relief from abuse order is in effect. The list shall be available on the Department's website at:

<http://dps.vermont.gov/> (this site is currently under construction)

Any law enforcement agency or federally licensed firearm dealer that wishes to be listed by the Department as a qualified storage facility must adhere to these Guidelines and must annually certify compliance with these Guidelines. A compliance certification form is attached and

¹ Specifically, Vermont law provides:

20 V.S.A. § 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM ABUSE ORDER; STORAGE; FEES; RETURN

(i) The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:

(1) Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:

(A) federally licensed firearms dealers that annually certify compliance with the Department's standards to receive firearms, ammunition, or other weapons pursuant to subdivision (b)(2) of this section; and

(B) cooperating law enforcement agencies.

(2) Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.

(3) Establish standards and guidelines to provide for the storage of firearms, ammunition, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:

(A) with the consent of the law enforcement agency taking possession of a firearm, ammunition, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;

(B) the law enforcement agency that takes possession of the firearm, ammunition, or weapon may provide a storage container for the relinquished item or items at an additional fee; and

(C) the law enforcement agency that takes possession of the firearm, ammunition, or weapon shall present the owner with a receipt at the time of relinquishment which includes the serial number and identifying characteristics of the firearm, ammunition, or weapon and record the receipt of the item or items in a log to be established by the Department.

available at www.dps.vermont.gov. By January 1 of each year, anyone wishing to be listed as a qualified storage site must complete this form and submit it to:

Vermont Department of Public Safety

Firearms Storage Program

103 South Main St.

Waterbury, Vermont 05671

The annual certification by a law enforcement agency shall indicate whether the agency wishes to be a regional storage location or whether the agency will only accept firearms and other items from within the agency's geographic jurisdiction.

Those that annually certify compliance with these standards agree that the Department may annually perform a reasonable inspection of the area where firearms or other weapons are stored for purposes of ensuring compliance with these Guidelines. Such inspection shall be arranged with the consent of the owner of the facility.

Standards for Transportation and Storage of Firearms

The following minimum standards shall apply to the transport and storage of firearms:

Transportation

Firearms transported in the passenger area of a vehicle should be secured in a locked gun mount. Alternatively, firearms should be cased and secured in the trunk of the vehicle. When firearms are carried in vehicles with no trunk compartment, every precaution should be taken to ensure that they are not visible or accessible from outside of the vehicle or accessible to the driver or any passenger.

Storage

Firearms shall be stored unloaded and in an authorized location and in the following manner.

- An authorized location shall be secured and not accessible to unauthorized personnel or children. Ammunition must be locked away from a firearm.
- Firearms should be stored in a safe deposit box, vaults, safes or weapons cabinets listed as an "Underwriters Laboratories Residential Security Container". Such containers must be fitted with at least a padlock or other mechanical, or electronic lock.

- When stored in conjunction with a secure room, firearms may be stored in a filing cabinet equipped with locking bars and secured with a combination padlock or a security container equipped with a built-in combination lock.
- Firearm(s) being stored must be in safe deposit boxes, vaults, safes or weapons cabinets large enough to fully contain all firearms stored within.
- Vaults shall comply with the standards listed under the firearms storage vault section of this document.
- If a firearm(s) is to be stored in a secure room the room shall be subject to 24-hour video surveillance, shall be locked using a high-security lock, and shall only be accessible to authorized personnel.
- A storage container may be provided by the owner to a law enforcement, if it is with the law enforcement agencies consent, for the purposes of storing the owner's relinquished firearm.

Process for Relinquishment

The Court shall order the relinquishment of firearms, ammunition or weapons to a cooperating law enforcement agency (Vermont State Police, municipal police department or a sheriff's department), approved federally licensed firearm dealer or other persons.

If the Court orders the firearm, ammunition or weapon relinquished to a cooperating law enforcement agency or approved firearm dealer the person shall immediately relinquish the firearms, ammunition or weapon to the agency serving the order.

The only items subject to storage fees under these Guidelines are those items specified in the court's order for relinquishment. Fees shall only start accruing after a final relief from abuse order is issued (T. 20 § 2307 (c)(3)).

If the order is being served on a person where the firearm(s) or other items are currently located, the firearm(s) or other items shall be given to the law enforcement officer. Otherwise the firearm(s) or other items shall be immediately delivered to the nearest cooperating law enforcement agency/department or taken to a cooperating federally licensed firearms dealer approved to store firearm(s).

All recognized storage facilities must comply with the standards and guidelines established by the Vermont Department of Public Safety.

Solicitation of Storage Locations

The Vermont Department of Public Safety shall solicit by asking all sheriff's offices and police departments if they wish to be considered as a storage facility. Only cooperating sheriff's offices and police departments shall be authorized to store firearm(s). The Vermont Department of Public Safety shall ask if these agencies/departments will be a regional storage facility or will only store firearms for their jurisdictions.

The Vermont Department of Public Safety shall solicit from federally license firearms dealers if they would like to be considered as a recognized storage facility for firearms.

Inventory of Relinquished Items

A law enforcement agency/department shall perform an inventory of items ordered relinquished. This inventory shall include a photograph of the weapon and a cataloguing of the firearm(s) make, model, caliber and serial number and any identifying characteristics of the firearm. The law enforcement agency/department may conduct the necessary checks to ensure that the firearm(s) is not stolen, wanted or used in a crime. Firearm(s) that may be used as evidence in a pending criminal matter shall be retained by the investigating agency/department as evidence – such shall firearm(s) shall not be subject to any storage or other fees. A law enforcement agency shall produce a receipt to give to the owner of the item(s) and shall record the storage of the items within the department's records management system.

A federally licensed firearms dealer authorized to store firearm(s) in accordance with these guidelines shall photograph and catalogue the firearms make, model, caliber and serial number. A receipt shall be given to the owner of the firearm at the time of relinquishment.

Firearms Storage Vaults

Firearms storage vaults and/or gun safes for the storage of firearm(s) must be [Underwriters Laboratories](#) (UL) approved. A storage vault or safe must be sufficient to prevent theft and protect the firearm(s) against the weather and damage that exposure to weather could cause to the firearm(s). The Vermont Department of Public Safety shall document the type of vault or safe used by the approved storage facility and shall ensure that the storage facility accepts the liability associated with the negligent storage of firearm(s). Vaults shall comply with the following standards;

- Should have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe

should have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength;

- Bolt work should consist of a minimum of three steel locking bolts of at least ½ inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock;
- The exterior walls should be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least .100 inches for safes with two walls. Doors shall be constructed of a minimum of two layers of 12-gauge steel, or one layer of 7-gauge steel compound construction;

A storage facility shall ensure the proper firearm(s) are returned to the owner in in the same condition it is received. A proper inventory of the firearm(s) shall identify the condition of the firearm(s) upon receipt.

If funds are available the Vermont Department of Public Safety shall make available to approved storage facilities the costs to purchase a firearm storage vault or safe. The funds shall be paid back by the approved storage facility based on a pre- approved payment schedule.

All funds to be managed for this program by the Vermont Department of Public Safety shall be done so in accordance with the Agency of Administration Bulletins.

Responsibilities of Storage Locations

Approved storage facilities must adopt policies and procedures for the care of firearms associated with the relinquish of firearms pursuant to a court order. These policies must be approved by the Vermont Department of Public Safety. They must at a minimum include procedures on taking firearms into their possession, the storage and custody of the firearm(s) and the final disposition of the firearm(s) including the transfer of custody or destruction of the firearm.

Liability

A law enforcement agency/department or federally licensed firearm dealer approved to be a storage facility shall be immune from civil or criminal liability for any damage or deterioration of firearm(s) in their care unless the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct.

Fees

Fees shall not begin to accrue until after the Court issues a final relief from abuse order.

The following is a summary of the fees associated with the storage of relinquished firearm(s).

A law enforcement agency that stores firearms, ammunition or weapons may charge the owner a reasonable storage fee, not to exceed

Fee for storing firearms	\$200.00 for the first firearm or weapon, and \$50.00 for each additional firearms or weapon for up to 15 months, prorated on the number of months the items are stored: and \$50.00 per firearms or weapon per year for each year or part of thereafter.
Fee for storing ammunition	Not exceed \$.50 per pound per week.

A federally licensed firearms dealer that stores firearms, ammunition, or weapons may charge the owner a storage fee that is reasonably related to the expenses it incurs in the administration of this section. Any federally licensed firearm dealer that certifies compliance under 20 V.S.A. § 2307 shall provide a copy of its fee schedule to the Court.

Guidelines for Listing of Qualified Storage Locations

The Department of Public Safety shall seek from all federally licensed firearms dealers (FFL's) and all law enforcement agencies in Vermont their interest in being a storage facility. A law enforcement agency may opt to only store firearm(s) for residents within their geographic area of jurisdiction. The Department of Public safety will also seek interest in those who want to be considered as a storage facility for anyone in the state.

A list of approved facilities shall be available on the Department of Public Safety's web site and given to the court(s).

Release of Items and Sale

Firearms or other items may be released to an owner after the owner is legally allowed to possess the items. This will be determined through a court order authorizing the release of the items back to the owner and shall only be released after verification of a court order authorizing there release. The cooperating law enforcement agency or federally licensed firearm dealer shall release the firearm(s) within three business days of receipt of the court order.

If the owner fails to retrieve the firearm, ammunition or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the Court issues a final relief from abuse order.

A "reasonable effort" shall include providing notice to the owners last known address at least 21 days before the date of sale. Notice shall be via first class mail, certified receipt restricted delivery.

In the event the firearms (or other items) are sold, proceeds from the sale of the firearms shall be apportioned as follows:

1. Unpaid fees and costs shall be paid to the law enforcement agency or firearms dealer who incurred the costs.
2. Any proceeds remaining after payment is made above shall be paid to the original owner of the firearm(s).