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H.393

Introduced by Representatives Baker of West Rutland, Adams of Hartland,
Ainsworth of Royalton, Atkins of Winooski, Brennan of
Colchester, Canfield of Fair Haven, Courcelle of Rutland City,
Donaghy of Poultney, Fagan of Rutland City, Gilbert of Fairfax,
Helm of Castleton, Higley of Lowell, Howrigan of Fairfield,
Johnson of Canaan, Larocque of Barnet, Lawrence of Lyndon,
Lewis of Derby, Marcotte of Coventry, McAllister of Highgate,
McNeil of Rutland Town, Moran of Wardsboro, Myers of
Essex, O'Donnell of Vernon, Pearce of Richford, Perley of
Enosburg, Reis of St. Johnsbury, Rodgers of Glover, Savage of
Swanton, South of St. Johnsbury, Townsend of Randolph,
Turner of Milton and Winters of Williamstown

Referred to Committee on

Date:

Subject: Criminal procedure; weapons; firearms

Statement of purpose: This bill proposes to bar property owners from
prohibiting firearms that are possessed or locked in a motor vehicle in a
parking lot where the vehicle is lawfully present. The bill also bars non-law
enforcement searches of motor vehicles in parking lots if the search is
conducted to find a firearm, and prohibits employers from banning customers

1 and employees from possessing firearms that are stored out-of-sight in a motor
2 vehicle.

3 An act relating to barring the prohibition of firearms on certain private or
4 public property

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

6 Sec. 1. 13 V.S.A. § 4017 is added to read:

7 § 4017. FIREARMS ON CERTAIN PROPERTY; PROHIBITION NOT
8 PERMITTED

9 (a)(1) No private or public property owner may prohibit a customer,
10 employee, or invitee from possessing a legally owned firearm for lawful
11 purposes if the firearm is possessed or locked in a motor vehicle in a parking
12 lot where the vehicle is lawfully present.

13 (2) No private or public property owner, other than a law enforcement
14 officer engaged in law enforcement activities, may:

15 (A) ask a person if the person has a firearm inside a motor vehicle in
16 a parking lot where the vehicle is lawfully present; or

17 (B) conduct a search of a motor vehicle in a parking lot where the
18 vehicle is lawfully present to determine if there is a firearm within the vehicle.

19 (3) No employer may prohibit a customer, employee, or invitee from
20 entering the parking lot of the employer's place of business with a lawfully

1 owned firearm carried for lawful purposes stored out-of-sight in the
2 customer's, employee's, or invitee's motor vehicle.

3 (b) A property owner shall be immune from any civil or criminal liability
4 as a result of any action taken in good faith pursuant to and in accordance with
5 this section, provided that this section shall not be construed to establish
6 immunity for reckless or intentional conduct.

7 (c) This section shall not apply on:

8 (1) school or educational institution property;

9 (2) correctional facility property;

10 (3) a nonpublicly accessible parking lot on property where national
11 defense, aerospace, nuclear power generation, or homeland security activities
12 occur;

13 (4) property where possession of a firearm is prohibited by federal or
14 state law or under a contract with the federal government.