



# HOUSE BILL No. 4289

February 2, 1995, Introduced by Reps. Stallworth, Bennane, Clack, Dobronski, DeMars, Wallace, Scott, Murphy, Parks, Leland, Yokich, Gire, Kilpatrick, Baird, Hood, Vaughn, Saunders, Schroer, Price and Ciaramitaro and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 328 of the Public Acts of 1931,  
entitled as amended  
"The Michigan penal code,"  
as amended, being sections 750.1 to 750.568 of the Michigan  
Compiled Laws, by adding section 223a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 223a to read as follows:

4 SEC. 223A. (1) A PERSON WHO STORES OR LEAVES A FIREARM ON  
5 PREMISES UNDER HIS OR HER CONTROL, AND WHO KNOWS OR REASONABLY  
6 SHOULD KNOW THAT THE FIREARM IS ACCESSIBLE TO A MINOR WITHOUT THE  
7 LAWFUL PERMISSION OF THE MINOR'S PARENT OR THE PERSON HAVING  
8 CHARGE OF THE MINOR, SHALL DO 1 OR MORE OF THE FOLLOWING:

1 (A) KEEP THE FIREARM IN A SECURELY LOCKED BOX OR CONTAINER.

2 (B) KEEP THE FIREARM IN A LOCATION THAT A REASONABLE PERSON  
3 WOULD BELIEVE IS SECURE.

4 (C) SECURELY LOCK THE FIREARM WITH A TRIGGER LOCK.

5 (2) SUBSECTION (1) DOES NOT APPLY TO A FIREARM THAT IS CAR-  
6 RIED ON THE BODY OF THE PERSON OR THAT IS LOCATED WITHIN THE  
7 PREMISES SO THAT THE PERSON CAN RETRIEVE AND USE IT AS EASILY AND  
8 QUICKLY AS IF HE OR SHE CARRIED IT ON HIS OR HER BODY.

9 (3) A PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
10 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR A FINE OF NOT MORE THAN  
11 \$500.00, OR BOTH, IF THE PERSON VIOLATES SUBSECTION (1) BY FAIL-  
12 ING TO STORE OR LEAVE A FIREARM IN THE REQUIRED MANNER AND AS A  
13 RESULT OF THE VIOLATION BOTH OF THE FOLLOWING OCCUR:

14 (A) A MINOR GAINS ACCESS TO THE FIREARM WITHOUT THE LAWFUL  
15 PERMISSION OF THE MINOR'S PARENT OR THE PERSON IN CHARGE OF THE  
16 MINOR.

17 (B) THE MINOR DOES EITHER OF THE FOLLOWING:

18 (i) POSSESSES OR EXHIBITS THE FIREARM IN A PUBLIC PLACE.

19 (ii) POSSESSES OR EXHIBITS THE FIREARM IN THE PRESENCE OF  
20 ANOTHER PERSON IN A CARELESS, RECKLESS, OR THREATENING MANNER.

21 (4) SUBSECTION (3) DOES NOT APPLY IF THE MINOR OBTAINS THE  
22 FIREARM AS A RESULT OF AN UNLAWFUL ENTRY OF THE PREMISES BY ANY  
23 PERSON.

24 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), IF A  
25 PERSON IS CULPABLY NEGLIGENT IN STORING OR LEAVING A LOADED FIRE-  
26 ARM WITHIN THE REACH OR EASY ACCESS OF A MINOR AND THE MINOR  
27 OBTAINS THE FIREARM AND USES IT TO INFLICT INJURY OR DEATH UPON

1 HIMSELF OR HERSELF OR ANY OTHER PERSON, THE PERSON WHO STORES OR  
2 LEAVES THE FIREARM IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-  
3 MENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN  
4 \$5,000.00, OR BOTH.

5 (6) SUBSECTION (5) DOES NOT APPLY IF ANY OF THE FOLLOWING  
6 CIRCUMSTANCES EXIST:

7 (A) THE FIREARM IS STORED OR LEFT IN A MANNER DESCRIBED IN  
8 SUBSECTION (1)(A), (B), OR (C).

9 (B) THE MINOR OBTAINS THE FIREARM AS A RESULT OF UNLAWFUL  
10 ENTRY BY ANY PERSON ONTO PREMISES OF THE PERSON WHO STORES OR  
11 LEAVES THE FIREARM.

12 (C) THE INJURY OR DEATH RESULTS FROM A TARGET OR SPORT  
13 SHOOTING INCIDENT OR HUNTING ACCIDENT.

14 (7) IF A MINOR IS ACCIDENTALLY SHOT BY ANOTHER FAMILY  
15 MEMBER, AN ARREST SHALL NOT BE MADE PURSUANT TO SUBSECTION (5)  
16 UNTIL THE EXPIRATION OF 7 DAYS AFTER THE SHOOTING.

17 (8) WITH RESPECT TO A PARENT OR GUARDIAN OF A DECEASED  
18 MINOR, THE INVESTIGATING OFFICERS SHALL FILE ALL FINDINGS AND  
19 EVIDENCE IN RELATION TO A VIOLATION OF SUBSECTION (5) WITH THE  
20 PROSECUTING ATTORNEY'S OFFICE. THE PROSECUTING ATTORNEY SHALL  
21 EVALUATE THIS EVIDENCE AND TAKE ANY ACTION THAT HE OR SHE CONSID-  
22 ERS APPROPRIATE UNDER THE CIRCUMSTANCES.

23 (9) AS USED IN THIS SECTION, "MINOR" MEANS A CHILD LESS THAN  
24 18 YEARS OF AGE.