



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

FIREARMS; STORAGE

House Bill 4396

Sponsor: Rep. Martha Scott

Committee: Criminal Law and Corrections

Complete to 11-7-00

A SUMMARY OF HOUSE BILL 4396 AS INTRODUCED 3-9-99

House Bill 4396 would amend the Michigan Penal Code to make it illegal under certain circumstances to leave or store a firearm in a place where it might be accessible to a minor, defined in the bill as an individual less than 18 years old.

The bill would require gun owners who kept or stored guns, and who were aware or should have been aware that a minor could gain access to them, to take certain precautions. The bill would require a gun owner to keep his or her gun in a locked box or container, or in a location that a reasonable person would believe is secure, or keep it securely locked with a trigger lock. The gun owner would not be required to take these precautions if he or she carried the gun on his or her person or kept it in such a place as to allow the person to get to it as quickly as if he or she had it on his or her person.

An individual who failed to store a firearm in accordance with the bill's requirements would be guilty of a misdemeanor if, as a result, a minor gained access to the gun without the permission of his or her parent or guardian and either possessed or exhibited the gun in a public place, or possessed or exhibited the gun in another person's presence in a careless, reckless, or threatening manner. A violation would be punishable by not more than 60 days imprisonment, a fine of up to \$500, or both. The provision would not apply if the minor obtained the gun as the result of unlawful entry into the gun owner's premises (by the minor or by any other person).

If the minor used the gun to kill or injure him or herself or any other person, the gun owner would be guilty of a felony punishable by imprisonment for up to five years, a fine of up to \$5,000, or both. If the gun had been stored in accordance with the precautions outlined in the bill, the gun owner would not be guilty of such a felony, nor would he or she be guilty if the minor obtained the gun as the result of anyone's unlawful entry onto the gun owner's property, or if the death or injury occurred as the result of a hunting, target, or sport shooting accident.

If a minor were accidentally shot by another family member, an arrest on a felony charge under the bill could not be made until the expiration of seven days after the shooting. If the minor involved in the shooting were killed, the police involved in investigating the shooting to determine whether it occurred as the result of a violation of the bill would be required to provide the

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prosecuting attorney with the information from their investigation. It would be the responsibility of the prosecuting attorney to then evaluate the findings and evidence and decide what action would be appropriate under the circumstances of the case.

MCL 750.233a

Analyst: W. Flory

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