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FIREARM LIABILITY

House Bill 4919

Sponsor: Rep. Laura Baird

Committee: Constitutional Law and Ethics

Complete to 8-29-00

A SUMMARY OF HOUSE BILL 4919 AS INTRODUCED 9-29-99

The bill would amend the Revised Judicature Act to make firearm owners liable under certain circumstances for injuries or death caused by the use of their firearms by other individuals, and to allow the court to award reasonable attorney fees in such cases. The bill would exempt firearm owners from liability in the case of access by minors to the firearm if certain security precautions were taken.

More specifically, the bill would make the owner of a firearm liable to an individual or the individual's estate for compensatory damages for injury to, or the death of, the individual, if the owner permitted access ("expressly or by implication") to the firearm by an individual and both of the following were proven: the injury or death were caused by the use of the owner's firearm, and the owner knew or should have known that the individual's access to the firearm created an unreasonable risk that injury or death would occur.

A firearm owner who knew or should have known that his or her firearm was accessible to a minor would be liable to an individual or his or her estate for compensatory damages for injury to, or the death of, the individual caused by the use of the owner's firearm, unless the owner kept the firearm (a) in a securely locked container, (b) securely locked with a trigger lock, or (c) unloaded and in a location that a reasonable person would believe to be secure.

In a judgment against an owner under the bill, the court could award reasonable attorney fees.

MCL 600.2969

Analyst: S. Ekstrom

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