



HOUSE BILL No. 4919

September 29, 1999, Introduced by Reps. Baird, Martinez, Jacobs, Lockwood, LaForge, Schauer, Brater, Dennis, Brewer, Minore, Hanley, Price, Garza, Clark, Hardman, Stallworth, Quarles, Thomas and Lemmons and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2969 and 2970; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2969. (1) AN OWNER OF A FIREARM IS LIABLE TO AN INDI-
2 VIDUAL OR THE INDIVIDUAL'S ESTATE FOR COMPENSATORY DAMAGES FOR
3 INJURY TO, OR THE DEATH OF, THE INDIVIDUAL IF THE OWNER OF THE
4 FIREARM, EXPRESSLY OR BY IMPLICATION, PERMITS ACCESS TO THE FIRE-
5 ARM BY AN INDIVIDUAL AND BOTH OF THE FOLLOWING ARE PROVEN:

6 (A) THE INJURY OR DEATH IS CAUSED BY USE OF THE OWNER'S
7 FIREARM.

8 (B) THE OWNER OF THE FIREARM KNEW OR SHOULD HAVE KNOWN THAT
9 THE INDIVIDUAL'S ACCESS TO THE FIREARM CREATED AN UNREASONABLE
10 RISK THAT INJURY OR DEATH WOULD OCCUR.

1 (2) IN A JUDGMENT AGAINST AN OWNER UNDER SUBSECTION (1), THE
2 COURT MAY AWARD REASONABLE ATTORNEY FEES.

3 SEC. 2970. (1) AN OWNER OF A FIREARM WHO KNEW OR SHOULD
4 HAVE KNOWN THAT THE FIREARM WAS ACCESSIBLE TO A MINOR IS LIABLE
5 TO AN INDIVIDUAL OR THE INDIVIDUAL'S ESTATE FOR COMPENSATORY DAM-
6 AGES FOR INJURY TO, OR THE DEATH OF, THE INDIVIDUAL THAT IS
7 CAUSED BY USE OF THE OWNER'S FIREARM, UNLESS THE OWNER DID 1 OR
8 MORE OF THE FOLLOWING:

9 (A) KEPT THE FIREARM IN A SECURELY LOCKED CONTAINER.

10 (B) KEPT THE FIREARM SECURELY LOCKED WITH A TRIGGER LOCK.

11 (C) KEPT THE FIREARM UNLOADED AND IN A LOCATION THAT A REA-
12 SONABLE PERSON WOULD BELIEVE TO BE SECURE.

13 (2) IN A JUDGMENT AGAINST AN OWNER UNDER SUBSECTION (1), THE
14 COURT MAY AWARD REASONABLE ATTORNEY FEES.

15 Enacting section 1. 1990 PA 319, MCL 123.1101 to 123.1105,
16 is repealed.