

HOUSE BILL NO. 6351

August 17, 2022, Introduced by Reps. Ellison, Sneller and Tisdell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2980.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2980. (1) A person that owns a firearm is not liable for
2 property damage or injury to an individual, including, but not
3 limited to, death, that results from the use of the firearm by
4 another individual who is not an authorized user, if the person
5 complies with subsection (2).

6 (2) A person is entitled to the protection from liability

1 afforded by this section if either of the following applied at the
2 time that the individual who was not an authorized user obtained
3 possession of the firearm:

4 (a) For a nonactive firearm, 1 or more of the following
5 applied:

6 (i) All of the following applied:

7 (A) The firearm was inside a locked container or was locked by
8 a trigger lock, cable lock, padlock between the rear of the trigger
9 and the trigger guard, or other locking system that rendered the
10 firearm inoperable.

11 (B) The firearm was separated from ammunition in a locked or
12 secured box or case.

13 (C) All keys or the lock combination were unavailable to
14 anyone but the person and any authorized users.

15 (ii) The firearm and its ammunition were stored in a secured or
16 locked gun safe or vault or in a locked and hardened cabinet,
17 drawer, storage closet, or room, and all keys or the lock
18 combination were unavailable to anyone but the person and any
19 authorized users.

20 (iii) The firearm was stored in a disassembled state, with the
21 body of the firearm separated from the firing mechanism, so that
22 the firearm was inoperable or would not hold or fire ammunition.

23 (b) For an active firearm, 1 of the following applied:

24 (i) The firearm was kept inside a locked container and within
25 such close proximity of the person or an authorized user that the
26 person or authorized user could readily retrieve and use the
27 firearm as if the person or authorized user carried the firearm on
28 his or her person.

29 (ii) The firearm was kept in a locked container, safe, or

1 vault, or another type of secured container, that is designed for
2 expedited retrieval and possible use of the firearm.

3 (3) In an action for damages arising from property damage or
4 personal injury as described in subsection (1), a defendant that
5 raises the protection from liability afforded by this section as an
6 affirmative defense has the burden of proving the defense by a
7 preponderance of the evidence.

8 (4) As used in this section:

9 (a) "Active firearm" means a firearm that is loaded.

10 (b) "Firearm" means that term as defined in section 1 of 1927
11 PA 372, MCL 28.421.

12 (c) "Nonactive firearm" means a firearm that is unloaded.