



**House
Legislative
Analysis
Section**

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MINORS: ACCESS TO FIREARMS

House Bill 5231

Sponsor: Rep. Alma Stallworth

Committee: Local Government

Complete to 4-25-94

A SUMMARY OF HOUSE BILL 5231 AS INTRODUCED 12-1-93

The bill would amend the Michigan Penal Code (MCL 750.223a) to make it a crime for someone to allow a minor to gain unauthorized access to a firearm stored or kept on his or her premises if the minor subsequently used the firearm in certain ways. The term "minor" would refer to a child less than 18 years of age. Generally speaking, the bill requires a person who stored or left a firearm on premises under his or her control and who knew that the firearm was accessible to a minor without the lawful permission of the minor's parent or the person having charge of the minor to do one or more of the following: keep the firearm in a securely locked box or container; keep the firearm in a location that a reasonable person would believe was secure; or securely lock the firearm with a trigger lock. (This would not apply to a firearm that was carried on the body of the person or that was located so that the person could retrieve it and use it as easily and quickly as if he or she carried it on his or her body.)

Felony penalties. If a person was culpably negligent in storing or leaving a loaded firearm within the reach or easy access of a minor and the minor obtained the firearm and used it to inflict injury or death on himself or herself or on any other person, the person who stored or left the firearm would be guilty of a felony punishable by imprisonment for not more than five years or a fine of not more than \$5,000, or both. The provision would not apply, however, if the minor obtained the firearm as a result of unlawful entry by any person onto the premises of the person who stored or left the firearm or if the injury or death resulted from a target or sport shooting incident or hunting accident. It also would not apply if the firearm had been secured as described above.

If a minor was accidentally shot by another family member, an arrest would not be made under the provision described above until the expiration of seven days after the shooting. With respect to a parent or guardian of a deceased minor, the investigating officers would have to file all findings and evidence in relation to a violation with the prosecuting attorney's office. The prosecuting attorney would have to evaluate the evidence and take any action he or she considered appropriate.

Misdemeanor penalties. If a person failed to store a firearm in the required manner and a minor gained access to the firearm without the permission of a parent or person in charge of the minor and then either possessed or exhibited the firearm in a public place or possessed or exhibited the firearm in the presence of another person in a careless, reckless, or threatening manner, the person who failed to securely store the firearm would be guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$500, or both. This would not apply if the minor obtained the firearm as a result of an unlawful entry of the premises by any person.

House Bill 5231 (4-25-94)