

SENATE BILL No. 702

November 30, 1989, Introduced by Senators FAUST and
O'BRIEN referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 223a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 223a to read as follows:

4 SEC. 223A. (1) A PERSON 18 YEARS OF AGE OR OLDER WHO STORES
5 OR LEAVES A LOADED FIREARM ON PREMISES UNDER HIS OR HER CONTROL,
6 AND WHO KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR IS LIKELY TO
7 GAIN ACCESS TO THE FIREARM WITHOUT THE LAWFUL PERMISSION OF THE
8 MINOR'S PARENT OR THE PERSON HAVING CHARGE OF THE MINOR, OR

1 WITHOUT THE SUPERVISION REQUIRED BY LAW, SHALL DO 1 OR MORE OF
2 THE FOLLOWING:

3 (A) KEEP THE FIREARM IN A SECURELY LOCKED BOX OR CONTAINER.

4 (B) KEEP THE FIREARM IN A LOCATION THAT A REASONABLE PERSON
5 WOULD BELIEVE TO BE SECURE.

6 (C) SECURELY LOCK THE FIREARM WITH A TRIGGER LOCK.

7 (2) SUBSECTION (1) DOES NOT APPLY TO A FIREARM THAT IS CAR-
8 RIED ON THE BODY OF THE PERSON IN CONTROL OF THE PREMISES OR
9 WITHIN SUCH CLOSE PROXIMITY TO THE PERSON THAT THE PERSON CAN
10 RETRIEVE AND USE IT AS EASILY AND QUICKLY AS IF HE OR SHE CARRIED
11 IT ON HIS OR HER BODY.

12 (3) A PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
13 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR A FINE OF NOT MORE THAN
14 \$500.00, OR BOTH, IF THE PERSON VIOLATES SUBSECTION (1) BY FAIL-
15 ING TO STORE OR LEAVE A FIREARM IN THE REQUIRED MANNER AND AS A
16 RESULT OF THE VIOLATION BOTH OF THE FOLLOWING OCCUR:

17 (A) A MINOR GAINS ACCESS TO THE FIREARM WITHOUT THE LAWFUL
18 PERMISSION OF THE MINOR'S PARENT OR THE PERSON IN CHARGE OF THE
19 MINOR.

20 (B) WITHOUT THE SUPERVISION REQUIRED BY LAW, THE MINOR DOES
21 EITHER OF THE FOLLOWING:

22 (i) POSSESSES OR EXHIBITS THE FIREARM IN A PUBLIC PLACE.

23 (ii) POSSESSES OR EXHIBITS THE FIREARM IN THE PRESENCE OF
24 ANOTHER PERSON IN A RUDE, CARELESS, ANGRY, OR THREATENING
25 MANNER.

1 (4) SUBSECTION (3) DOES NOT APPLY IF THE MINOR OBTAINS THE
2 FIREARM AS A RESULT OF AN UNLAWFUL ENTRY OF THE PREMISES BY ANY
3 PERSON.

4 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), IF A
5 PERSON 18 YEARS OF AGE OR OLDER IS CULPABLY NEGLIGENT IN STORING
6 OR LEAVING A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A
7 MINOR AND THE MINOR OBTAINS THE FIREARM AND USES IT TO INFLICT
8 INJURY OR DEATH UPON HIMSELF OR HERSELF OR ANY OTHER PERSON, THE
9 PERSON WHO STORES OR LEAVES THE FIREARM IS GUILTY OF A FELONY
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
11 NOT MORE THAN \$5,000.00, OR BOTH.

12 (6) SUBSECTION (5) DOES NOT APPLY IF ANY OF THE FOLLOWING
13 CIRCUMSTANCES EXIST:

14 (A) THE FIREARM IS STORED OR LEFT IN A MANNER DESCRIBED IN
15 SUBSECTION (1)(A), (B), OR (C).

16 (B) THE MINOR OBTAINS THE FIREARM AS A RESULT OF UNLAWFUL
17 ENTRY BY ANY PERSON OF THE PREMISES OF THE PERSON WHO STORES OR
18 LEAVES THE FIREARM.

19 (C) THE INJURY OR DEATH RESULTS FROM A TARGET OR SPORT
20 SHOOTING INCIDENT OR HUNTING ACCIDENT.

21 (D) THE PERSON WHO STORES OR LEAVES THE FIREARM IS A MEMBER
22 OF THE ARMED FORCES, ARMED FORCES RESERVES, OR NATIONAL GUARD OR
23 IS A POLICE OFFICER OR OTHER LAW ENFORCEMENT OFFICER, AND THE
24 POSSESSION OF THE FIREARM BY THE MINOR OCCURS DURING OR INCIDENT-
25 TAL TO THE PERFORMANCE OF THE PERSON'S OFFICIAL DUTIES.

26 (7) AS USED IN THIS SECTION, "MINOR" MEANS A CHILD LESS THAN
27 16 YEARS OF AGE.