

# HOUSE BILL NO. 6517

December 16, 2020, Introduced by Reps. Chirkun, Cherry, Tyrone Carter, Tate and Sneller and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 223a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           **Sec. 223a. (1) A person who stores or leaves a firearm on**  
2 **premises under his or her control, and who knows or reasonably**  
3 **should know that the firearm is accessible to a minor, shall do 1**  
4 **or more of the following:**  
5           **(a) Keep the firearm in a securely locked box or container.**

1           (b) Keep the firearm in a location that a reasonable person  
2 would believe is secure.

3           (c) Securely lock the firearm with a locking device.

4           (2) A person is guilty of a misdemeanor punishable by  
5 imprisonment for not more than 93 days or a fine of not more than  
6 \$500.00, or both, if the person violates subsection (1) by failing  
7 to store or leave a firearm in the required manner and as a result  
8 of the violation both of the following occur:

9           (a) A minor obtains the firearm.

10          (b) The minor does either of the following:

11          (i) Possesses or exhibits the firearm in a public place.

12          (ii) Possesses or exhibits the firearm in the presence of  
13 another person in a careless, reckless, or threatening manner.

14          (3) If a person violates subsection (1) by failing to store or  
15 leave a firearm in the required manner and as a result of the  
16 violation a minor obtains the firearm and uses it to inflict injury  
17 upon himself or herself or any other person, the person who fails  
18 to store or leave the firearm in the required manner is guilty of a  
19 felony punishable by imprisonment for not more than 5 years or a  
20 fine of not more than \$5,000.00, or both.

21          (4) If a person violates subsection (1) by failing to store or  
22 leave a firearm in the required manner and as a result of the  
23 violation a minor obtains the firearm and uses it to inflict an  
24 injury resulting in a serious impairment of a body function upon  
25 himself or herself or any other person, the person who fails to  
26 store or leave the firearm in the required manner is guilty of a  
27 felony punishable by imprisonment for not more than 10 years or a  
28 fine of not more than \$10,000.00, or both.

29          (5) If a person violates subsection (1) by failing to store or

1 leave a firearm in the required manner and as a result of the  
2 violation a minor obtains the firearm and uses it to inflict death  
3 upon himself or herself or any other person, the person who fails  
4 to store or leave the firearm in the required manner is guilty of a  
5 felony punishable by imprisonment for not more than 15 years or a  
6 fine of not more than \$15,000.00, or both.

7 (6) This section does not apply under any of the following  
8 circumstances:

9 (a) The minor obtains the firearm with the permission of the  
10 minor's parent or guardian and the minor uses or possesses the  
11 firearm during any of the following:

12 (i) His or her employment.

13 (ii) Ranching or farming.

14 (iii) Target practice, hunting, or instruction in the safe use  
15 of a firearm.

16 (b) The minor obtains the firearm through the minor's unlawful  
17 entry of any premises where the firearm has been stored or through  
18 the minor's illegal taking of the firearm from the owner's  
19 premises.

20 (c) The minor obtains the firearm while lawfully acting in  
21 self-defense or defense of another.

22 (7) As used in this section:

23 (a) "Locked box or container" means a secure container that is  
24 fully enclosed and locked by a padlock, key lock, combination lock,  
25 or similar locking device.

26 (b) "Locking device" means a trigger lock, cable lock, or  
27 similar lock that prevents a firearm from discharging.

28 (c) "Minor" means an individual less than 13 years of age.