

HOUSE BILL NO. 6175

November 26, 2024, Introduced by Rep. Skaggs and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 9 (MCL 28.429), as added by 2023 PA 17, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) An individual who stores or leaves a firearm
2 unattended on premises under the individual's control, and who
3 knows or reasonably should know that a minor is, or is likely to
4 be, present on the premises, shall do 1 or ~~more~~**both** of the
5 following:

6 (a) Store the firearm in a locked box or container.

7 (b) Keep the firearm unloaded and lock the firearm with a
8 locking device that is properly engaged to render the firearm
9 inoperable by any individual other than the owner or an authorized
10 user.

11 (2) An individual who enters onto the premises of another
12 individual, stores or leaves a firearm unattended on those
13 premises, and who knows or reasonably should know that a minor is,
14 or is likely to be, present on the premises, shall do 1 or ~~more~~
15 **both** of the following:

16 (a) Store the firearm in a locked box or container.

17 (b) Keep the firearm unloaded and lock the firearm with a
18 locking device that is properly engaged to render the firearm
19 inoperable by any individual other than the owner or an authorized
20 user.

21 ~~(c) Before entering onto the premises, do both of the~~
22 ~~following:~~

23 ~~(i) In the individual's motor vehicle, store the firearm in a~~
24 ~~locked box or container in that vehicle, or keep the firearm~~
25 ~~unloaded and lock the firearm with a locking device that is~~
26 ~~properly engaged to render the firearm inoperable by any individual~~

1 ~~other than the owner or an authorized user.~~

2 ~~(ii) Lock the individual's motor vehicle.~~

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

8 (a) A minor obtains the firearm.

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

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

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

13 (4) If an individual violates subsection (1) or (2) by failing
14 to store or leave a firearm in the required manner and, as a result
15 of the violation, a minor obtains the firearm, discharges it and
16 inflicts injury upon the minor or any other individual, the
17 individual is guilty of a felony punishable by imprisonment for not
18 more than 5 years or a fine of not more than \$5,000.00, or both.

19 (5) If an individual violates subsection (1) or (2) by failing
20 to store or leave a firearm in the required manner and, as a result
21 of the violation, a minor obtains the firearm, discharges it and
22 inflicts serious impairment of a body function upon the minor or
23 any other individual, the individual is guilty of a felony
24 punishable by not more than 10 years or a fine of not more than
25 \$7,500.00, or both.

26 (6) If an individual violates subsection (1) or (2) by failing
27 to store or leave a firearm in the required manner and, as a result
28 of the violation, a minor obtains the firearm, discharges it and
29 inflicts death upon the minor or any other individual, the

1 individual is guilty of a felony punishable by imprisonment for not
2 more than 15 years or a fine of not more than \$10,000.00, or both.

3 (7) This section does not apply under any of the following
4 circumstances:

5 (a) A minor who does all of the following:

6 (i) Obtains a firearm with the permission of the minor's parent
7 or guardian.

8 (ii) Uses or possesses the firearm while the minor is under the
9 supervision of the minor's parent, guardian, or any individual who
10 is 18 years of age or older and who is authorized by the person's
11 parent or guardian.

12 (iii) Uses or possesses the firearm during any of the following:

13 (A) The minor's employment.

14 (B) Ranching or farming.

15 (C) Target practice or instruction in the safe use of a
16 firearm.

17 (b) A minor who obtains a firearm with the permission of the
18 minor's parent or guardian and who uses or possesses the firearm
19 for the purposes of hunting if the minor is in compliance with all
20 applicable hunting laws.

21 (c) A minor who obtains a firearm through the minor's unlawful
22 entry of any premises or the motor vehicle where the firearm has
23 been stored.

24 (d) A minor who obtains a firearm while lawfully acting in
25 self-defense or defense of another.

26 (8) The department of health and human services shall do both
27 of the following:

28 (a) In consultation with the department of attorney general,
29 inform the public of the penalties for failing to store or leave a

1 firearm in the manner required under this section.

2 (b) Publish lethal means counseling literature and provide
3 that literature to federally licensed firearms dealers for use
4 under section 15.

5 (9) A criminal penalty provided for under this section may be
6 imposed in addition to any penalty that may be imposed for any
7 other criminal offense arising from the same conduct.

8 (10) As used in this section:

9 (a) "Locked box or container" means a secure container,
10 specifically designed for the storage of firearms, that is fully
11 enclosed and locked by a padlock, key lock, combination lock, or
12 similar locking device to which a minor does not possess the key or
13 combination, or otherwise have access.

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

16 (c) "Minor" means an individual less than 18 years of age.

17 (d) "Serious impairment of a body function" means that term as
18 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
19 MCL 257.58c.

20 **Sec. 9a. (1) An individual who stores or leaves a firearm in a**
21 **vehicle shall do all of the following:**

22 (a) **Store the firearm in a locked box or container in that**
23 **vehicle.**

24 (b) **Store the locked box or container out of view of anyone**
25 **outside the vehicle.**

26 (c) **Attach the locked box or container to the interior of the**
27 **vehicle.**

28 (d) **Lock the individual's motor vehicle.**

29 (2) **Except as otherwise provided in this section, an**

1 individual who violates subsection (1) is responsible for a civil
2 infraction and may be ordered to pay a fine of not more than
3 \$100.00.

4 (3) An individual 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 individual violates subsection (1) by
7 failing to store or leave a firearm in the required manner and, as
8 a result of the violation, another individual obtains the firearm
9 and does either of the following:

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

11 (b) Possesses or exhibits the firearm in the presence of
12 another individual in a careless, reckless, or threatening manner.

13 (4) If an individual violates subsection (1) by failing to
14 store or leave a firearm in the required manner and, as a result of
15 the violation, another individual obtains the firearm, discharges
16 it and inflicts injury upon an individual, the individual who
17 violated subsection (1) is guilty of a felony punishable by
18 imprisonment for not more than 5 years or a fine of not more than
19 \$5,000.00, or both.

20 (5) If an individual violates subsection (1) by failing to
21 store or leave a firearm in the required manner and, as a result of
22 the violation, another individual obtains the firearm, discharges
23 it and inflicts serious impairment of a body function on an
24 individual, the individual who violated subsection (1) is guilty of
25 a felony punishable by not more than 10 years or a fine of not more
26 than \$7,500.00, or both.

27 (6) If an individual violates subsection (1) by failing to
28 store or leave a firearm in the required manner and, as a result of
29 the violation, another individual obtains the firearm, discharges

1 it and inflicts death upon an individual, the individual who
2 violated subsection (1) is guilty of a felony punishable by
3 imprisonment for not more than 15 years or a fine of not more than
4 \$10,000.00, or both.

5 (7) This section does not apply to an individual who obtains a
6 firearm while lawfully acting in self-defense or defense of
7 another.

8 (8) As used in this section:

9 (a) "Locked box or container" means a secure container that
10 meets all of the following requirements:

11 (i) Is fully enclosed and locked by a padlock, key lock,
12 combination lock, or similar locking device to which an individual
13 other than the owner or authorized user does not possess the key or
14 combination or otherwise have access.

15 (ii) Is opaque.

16 (iii) For pistols, is hard sided.

17 (b) Locked box or container does not include either of the
18 following:

19 (i) A glove box.

20 (ii) A center console unless the console has been specifically
21 designed for the storage of firearms.

22 (c) "Serious impairment of a body function" means that term as
23 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
24 MCL 257.58c.