

§ 28.429. [Effective 91 days after adjournment of the 2023 Regular Session sine die]

(1) An individual who stores or leaves a firearm unattended on premises under the individual's control, and who knows or reasonably should know that a minor is, or is likely to be, present on the premises, shall do 1 or more of the following:

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

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

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

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

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

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

(i) In the individual's motor vehicle, store the firearm in a locked box or container in that vehicle, or keep the firearm unloaded and lock the firearm with a locking device that is properly engaged to render the firearm inoperable by any individual other than the owner or an authorized user.

(ii) Lock the individual's motor vehicle.

(3) An individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both,

if the individual violates subsection (1) or (2) by failing to store or leave a firearm in the required manner and as a result of the violation both of the following occur:

(a) A minor obtains the firearm.

(b) The minor does either of the following:

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

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

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

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

(6) If an individual violates subsection (1) or (2) by failing to store or leave a firearm in the required manner and, as a result of the violation, a minor obtains the firearm, discharges it and inflicts death upon the minor or any other individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

(A) The minor's **employment**.

(B) **Ranching** or **farming**.

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

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

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

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

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

(a) In consultation with the department of attorney general, **inform the public** of the penalties for failing to store or leave a firearm in the manner required under this section.

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

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

(10) As used in this section:

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

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

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

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

History:

Added by 2023, Act 17, s 1, eff. 91 days after adjournment of the 2023 Regular Session sine die.

Prior History:

Repealed 2008, Act 195, Eff. 1/7/2009. Amended by 2004, Act 100, s 1, eff. 5/13/2004. 1927, Act 372, Eff. Sept. 5, 1927 ;--CL 1929, 16758 ;--Am. 1931, Act 333, Imd. Eff. June 16, 1931 ;--CL 1948, 28.429 ;--Am. 1957, Act 259, Eff. Sept. 27, 1957 ;--Am. 1964, Act 216, Eff. Aug. 28, 1964 ;--Am. 1986, Act 262, Imd. Eff. Dec. 9, 1986 ;--Am. 1990, Act 320, Eff. Mar. 28, 1991 ;--Am. 1996, Act 169, Imd. Eff. Apr. 18, 1996.