

30-7-4.1. Negligently making a firearm accessible to a minor-Negligently making a firearm accessible to a minor resulting in great bodily harm or death-Penalties

A. A person commits the crime of negligently making a firearm accessible to a minor if:

(1) the person keeps or stores a firearm in a manner that negligently disregards a minor's ability to access the firearm; and

(2) a minor accesses the firearm and displays or brandishes the firearm in a threatening manner or causes injury to the minor or another person not resulting in great bodily harm or death.

Whoever commits negligently making a firearm accessible to a minor is guilty of a misdemeanor.

B. A person commits the crime of negligently making a firearm accessible to a minor resulting in great bodily harm or death if:

(1) the person keeps or stores a firearm in a manner that negligently disregards a minor's ability to access the firearm; and

(2) a minor accesses the firearm and uses it in a manner that causes great bodily harm to or death of the minor or another person.

Whoever commits negligently making a firearm accessible to a minor resulting in great bodily harm or death is guilty of a fourth degree felony.

C. A person does not violate Subsection A or B of this section if a minor obtains a firearm:

(1) that was either kept in a locked container and was securely stored or kept in a location that a reasonable person would believe to be secure when obtained by a minor;

(2) that was carried on the person or within the person's immediate control;

(3) that was locked with a firearm safety device that rendered the firearm inoperable;

(4) in the course of self-defense or defense of another person;

(5) by illegal entry to the person's property; or

(6) with the authorization of the minor's parent or guardian for lawful hunting, lawful recreational use or any other lawful purpose.

D. As used in this section:

(1) "brandish" means to display or make a firearm known to another person while the firearm is present on the person of the minor with intent to intimidate or injure a person;

(2) "firearm" means a weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion;

(3) "firearm safety device" means a gun safe or a device that prevents a firearm from being discharged or from being used to expel a projectile by the action of an explosion or a device other than a gun safe that locks a firearm and is designed to prevent children and unauthorized users from firing a firearm, which device may be installed on a firearm, be incorporated into the design of the firearm or prevent access to the firearm; and

(4) "minor" means a person under eighteen years of age.

History:

Added by 2023, c. 5, s. 1, eff. 6/13/2023.