

Act No. 17
Public Acts of 2023
Approved by the Governor
April 13, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Bayer, Singh, McMorrow, Cavanagh, Hertel, Shink, McCann, Irwin, Wojno, Polehanki, Chang, Moss, Geiss, Camilleri, McDonald Rivet, Cherry, Klinefelt, Santana, Brinks and Anthony

ENROLLED SENATE BILL No. 79

AN ACT 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 15 (MCL 28.435), as added by 2000 PA 265, and by adding section 9.

The People of the State of Michigan enact:

Sec. 9. (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.

Sec. 15. (1) Except as provided in subsection (2), a federally licensed firearms dealer shall not sell a firearm in this state unless the sale includes 1 of the following:

(a) A commercially available trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm.

(b) A commercially available gun case or storage container that can be secured to prevent unauthorized access to the firearm.

(2) This section does not apply to any of the following:

(a) The sale of a firearm to a police officer or a police agency.

(b) The sale of a firearm to a person that presents to the federally licensed firearms dealer 1 of the following:

(i) A trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm together with a copy of the purchase receipt for the federally licensed firearms dealer to keep. A separate trigger lock or device and a separate purchase receipt is required for each firearm purchased.

(ii) A gun case or storage container that can be secured to prevent unauthorized access to the firearm together with a copy of the purchase receipt for the federally licensed firearms dealer to keep. A separate gun case or storage container and a separate purchase receipt is required for each firearm purchased.

(c) The sale of an antique firearm. As used in this subdivision, "antique firearm" means that term as defined in section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

(d) The sale or transfer of a firearm if the seller is not a federally licensed firearms dealer.

(3) A federally licensed firearms dealer shall not sell a firearm in this state unless the firearm is accompanied with, free of charge, all of the following:

(a) A brochure or pamphlet that includes safety information on the use and storage of the firearm in a home environment.

(b) A written warning informing the purchaser of the penalties for failing to store or leave a firearm in the manner required under section 9.

(c) Lethal means counseling literature published by the department of health and human services under section 9.

(4) Upon the sale of a firearm, a federally licensed firearms dealer shall sign a statement and require the purchaser to sign a statement stating that the sale is in compliance with subsections (1), (2), and (3).

(5) A federally licensed firearms dealer shall retain a copy of the signed statements prescribed in subsection (4) and, if applicable, a copy of the receipt prescribed in subsection (2)(b), for at least 6 years.

(6) A federally licensed firearms dealer in this state shall post in a conspicuous manner at the entrances, exits, and all points of sale on the premises where firearms are sold a notice informing the reader that failing to store or leave a firearm in the manner required under section 9 is unlawful.

(7) A federally licensed firearms dealer is not liable for damages arising from the use or misuse of a firearm if the sale complies with this section, any other applicable law of this state, and applicable federal law.

(8) This section does not create a civil action or liability for damages arising from the use or misuse of a firearm or ammunition for a person, other than a federally licensed firearms dealer, who produces a firearm or ammunition.

(9) Subject to subsections (10) to (12), a political subdivision shall not bring a civil action against any person who produces a firearm or ammunition. The authority to bring a civil action under this section is reserved exclusively to the state and can be brought only by the attorney general. The court shall award costs and reasonable attorney fees to each defendant named in a civil action filed in violation of this subsection.

(10) Subject to subsection (11), subsection (9) does not prohibit a civil action by a political subdivision based on 1 or more of the following, which the court shall narrowly construe:

(a) A breach of contract, other contract issue, or an action based on a provision of the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.9994, in which the political subdivision is the purchaser and owner of the firearm or ammunition.

(b) Expressed or implied warranties arising from the purchase of a firearm or ammunition by the political subdivision or the use of a firearm or ammunition by an employee or agent of the political subdivision.

(c) A product liability, personal injury, or wrongful death action when an employee or agent or property of the political subdivision has been injured or damaged as a result of a defect in the design or manufacture of the firearm or ammunition purchased and owned by the political subdivision.

(11) Subsection (10) does not allow an action based on any of the following:

(a) A firearm's or ammunition's inherent potential to cause injury, damage, or death.

(b) Failure to warn the purchaser, transferee, or user of the firearm's or ammunition's inherent potential to cause injury, damage, or death.

(c) Failure to sell with or incorporate into the product a device or mechanism to prevent a firearm or ammunition from being discharged by an unauthorized person unless specifically provided for by contract.

(12) Subsections (9) to (11) do not create a civil action.

(13) Subsections (9) to (11) are intended only to clarify the current status of the law in this state, are remedial in nature, and, therefore, apply to a civil action pending on the effective date of this act.

(14) A person who violates this section is guilty of a crime as follows:

(a) Except as provided in subdivision (b) or (c), the person 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.

(b) For a second conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(c) For a third or subsequent conviction, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

(15) As used in this section:


(a) "Federally licensed firearms dealer" means a person licensed under 18 USC 923.

(b) "Firearm or ammunition" includes a component of a firearm or ammunition.

(c) "Person" means an individual, partnership, corporation, association, or other legal entity.

(d) "Political subdivision" means a county, city, village, township, charter township, school district, community college, or public university or college.

(e) "Produce" means to manufacture, construct, design, formulate, develop standards for, prepare, process, assemble, inspect, test, list, certify, give a warning or instructions regarding, market, sell, advertise, package, label, distribute, or transfer.

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Secretary of the Senate

Clerk of the House of Representatives

Approved _____

Governor