Firearm Storage Requirements and Penalties

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What are the firearm storage requirements under Michigan's safe storage law?[1]

If you store or leave a firearm unattended on premises under your control, and you know or reasonably should know that a minor is, or is likely to be, present on the premises, you are required to do one or more of the following:

- Store the firearm in a locked box or container.
- 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.

If you enter onto the premises of another individual and you store or leave a firearm unattended on those premises, and you know or reasonably should know that a minor is, or is likely to be, present on the premises, you are required to do one or more of the following:

1. Store the firearm in a locked box or container.
2. 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.
3. Before entering the premises, do both of the following:
    - Store the firearm in a locked box or container in your motor 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, and
    - Lock your motor vehicle.

[1] MCL 28.429, found at legislature.mi.gov/doc.aspx?mcl-28-429-added

Definitions

"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.

"Locking device"

Means a trigger lock, cable lock, or similar lock that prevents a firearm from discharging.

"Minor"

Means an individual less than 18 years of age.

"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.

What are the penalties under Michigan's safe storage law?

A criminal penalty under this law may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

You are guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500, or both, if you fail to store or leave a firearm in the required manner and both of the following occur:

- A minor obtains the firearm, and
- The minor (a) possesses or exhibits the firearm in a public place or (b) possesses or exhibits the firearm in the presence of another person in a careless, reckless, or threatening manner.

You are guilty of a felony punishable by imprisonment for not more than five years or a fine of not more than $5,000 or both, if you fail to store or leave a firearm in the required manner and, as a result, a minor obtains the firearm, discharges it and inflicts injury upon the minor or any other individual.

You are guilty of a felony punishable by not more than 10 years or a fine of not more than $7,500, or both, if you if you fail to store or leave a firearm in the required manner and, as a result, a minor obtains the firearm, discharges it and inflicts serious impairment of a body function upon the minor or any other individual.

You are guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000, or both, if you if you fail to store or leave a firearm in the required manner and, as a result, a minor obtains the firearm, discharges it and inflicts death upon the minor or any other individual.

Penalties will not be imposed under Michigan's safe storage law in the following circumstances:

If the minor:

1. Obtains a firearm with the permission of the minor's parent or guardian,
2. Uses or possesses the firearm while 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 minor's parent or guardian, and
3. Uses or possesses the firearm during (a) the minor's employment, (b) ranching or farming, or (c) target practice or instruction in the safe use of a firearm.

If the minor obtains a firearm with the permission of the minor's parent or guardian, and uses the firearm for the purposes of hunting and the minor is in compliance with all applicable hunting laws.

If the minor obtains a firearm through the minor's unlawful entry of any premises or a motor vehicle where the firearm has been stored.

If the minor obtains a firearm while lawfully acting in self-defense or defense of another.