



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 527 (as introduced 9-6-17)
Sponsor: Senator Tom Casperson
Committee: Judiciary

Date Completed: 9-18-17

CONTENT

The bill would amend the Foster Care and Adoption Services Act to do the following:

- **Allow an individual permitted to possess a firearm under State law to possess it or ammunition while on the premises of a foster home.**
- **Require an individual who possessed a firearm or ammunition while on the premises of a foster home to store it in a locked secure storage container unless it was being used for a lawful purpose.**
- **Require an individual storing a firearm or ammunition in a foster home to ensure that the key, combination, or access code to a secure storage container was kept secure or locked in a safe.**
- **Allow an individual to carry a firearm on his or her person while in the presence of a foster child, provided certain conditions were met.**
- **Specify that a supervising agency would be immune from civil or criminal liability for an injury resulting from the use of a firearm or ammunition that was stored on the premises of a foster home or carried by a foster care provider or resident of the foster home.**

Specifically, the bill would allow an individual who could lawfully possess a firearm under State law to possess it, whether loaded or unloaded, or ammunition while on the premises of a foster home, as provided below.

Except as otherwise provided (regarding carrying a firearm in the presence of a foster child), an individual described above who possessed a firearm or ammunition while on the premises of a foster home would have to store the firearm or ammunition in a locked secure storage container except under the following circumstances:

- The firearm or ammunition was being used for a lawful purpose, including an educational or recreational purpose, hunting, defense of an individual or property, or cleaning or servicing the firearm.
- The firearm was inoperable and solely ornamental.

("Secure storage container" would mean a device, including a safe, gun safe, secure gun case, or lock box, that is marketed commercially for storing a firearm or ammunition and is designed to be unlocked only by means of a key, a combination, a biometric lock, or other similar means.)

An individual who stored a firearm or ammunition on the premises of a foster home in a locked secure storage container would have to ensure that the key, combination, or access code

to the container was kept in the reasonably secure possession of an adult or a locked combination or biometric safe.

An individual who was authorized to possess a firearm on the premises of a foster home could carry it on his or her person while in the presence of a foster child, including while operating or riding in a motor vehicle, if he or she did all of the following: a) kept the firearm in a holster or similarly secure case; b) carried the firearm in a manner that ensured the firearm was inaccessible to the foster child and was in the possession and control of an adult who could lawfully possess the firearm or ammunition; and c) returned the firearm to a locked storage container when it was on the premises of the foster home or in the presence of a foster child and was not being carried on the individual's person or being used for a lawful purpose.

A supervising agency would be immune from civil or criminal liability for an injury resulting from the use of a firearm or ammunition that was stored on the premises of a foster home or was carried by a provider of foster care or any other person who resided in a foster home. ("Supervising agency" means the Department of Health and Human Services if a child's placed in the Department's care for foster care, or a child placing agency in whose care a child is placed for foster care.)

The bill would take effect 90 days after its enactment.

Proposed MCL 722.958b

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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