



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 527 (Substitute S-1)
Sponsor: Senator Tom Casperson
Committee: Judiciary

Date Completed: 10-17-17

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.**
- **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.**
- **Prohibit a supervising agency from requiring a foster parent to provide it with confidential firearm information.**

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.

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 both of the following: a) carried the firearm in a manner that ensured that the firearm, at all times, was in the control of an adult who could lawfully possess the firearm or ammunition; and b) 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 and its employees 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 is 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 not bar, or authorize a supervising agency to bar, a foster child from lawful possession of a firearm for a hunting, educational, or recreational purpose while he or she was in the presence of an adult who could lawfully possess a firearm.

In accordance with Section 1b of the handgun licensure Act, a supervising agency could not require a foster parent to provide the supervising agency with confidential firearm information, including serial numbers, registration documents, and licensing documents. (Section 1b specifies that firearms records are confidential, are not subject to disclosure under the Freedom of Information Act, and may not be disclosed except for certain purposes. An individual who intentionally violates Section 1b is responsible for a civil infraction and may be required to pay a maximum civil fine of \$500.)

A party subject to the bill's provisions would have to comply with all other State and Federal statutes regarding firearms or ammunition.

The bill would take effect 90 days after its enactment.

"Foster child" would mean a child placed outside his or her home for foster care or adoption services under the care and supervision of a supervising agency. "Foster home" would mean a foster family home or a foster family group home as those terms are defined in Section 1 of the child care licensing Act. ("Foster family home" means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. "Foster family group home" has the same meaning but refers to a private home in which more than four but fewer than seven minor children receive such care and supervision.)

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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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.