

SUBSTITUTE FOR
SENATE BILL NO. 527

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
(MCL 722.951 to 722.960) by adding section 8b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8B. (1) A PERSON WHO MAY LAWFULLY POSSESS A FIREARM UNDER
2 STATE LAW MAY POSSESS THE FIREARM, WHETHER LOADED OR UNLOADED, OR
3 AMMUNITION WHILE ON THE PREMISES OF A FOSTER HOME IN ACCORDANCE
4 WITH THE PROVISIONS OF THIS SECTION.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), A PERSON
6 DESCRIBED IN SUBSECTION (1) WHO POSSESSES A FIREARM OR AMMUNITION
7 WHILE ON THE PREMISES OF A FOSTER HOME MUST STORE THE FIREARM AND
8 AMMUNITION IN A LOCKED SECURE STORAGE CONTAINER EXCEPT IN THE

1 FOLLOWING CIRCUMSTANCES:

2 (A) IF THE FIREARM OR AMMUNITION IS USED FOR A LAWFUL PURPOSE,
3 WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, AN EDUCATIONAL OR
4 RECREATIONAL PURPOSE, HUNTING, THE DEFENSE OF A PERSON OR PROPERTY,
5 OR CLEANING OR SERVICING THE FIREARM.

6 (B) IF THE FIREARM OR AMMUNITION IS INOPERABLE AND SOLELY
7 ORNAMENTAL.

8 (3) A PERSON WHO IS AUTHORIZED TO POSSESS A FIREARM ON THE
9 PREMISES OF A FOSTER HOME UNDER SUBSECTION (1) MAY CARRY A FIREARM
10 ON HIS OR HER PERSON WHILE IN THE PRESENCE OF A FOSTER CHILD,
11 INCLUDING, BUT NOT LIMITED TO, WHILE OPERATING OR RIDING IN OR UPON
12 A MOTOR VEHICLE, IF THE PERSON DOES BOTH OF THE FOLLOWING:

13 (A) CARRIES THE FIREARM IN A MANNER THAT ENSURES THAT THE
14 FIREARM IS, AT ALL TIMES, IN THE CONTROL OF AN ADULT WHO MAY
15 LAWFULLY POSSESS THE FIREARM OR AMMUNITION.

16 (B) RETURNS THE FIREARM TO A LOCKED STORAGE CONTAINER WHEN THE
17 FIREARM IS ON THE PREMISES OF THE FOSTER HOME OR IN THE PRESENCE OF
18 A FOSTER CHILD AND IS NOT BEING CARRIED ON HIS OR HER PERSON IN
19 ACCORDANCE WITH THIS SUBSECTION OR BEING USED FOR A LAWFUL PURPOSE.

20 (4) A SUPERVISING AGENCY AND THE EMPLOYEES OF THE SUPERVISING
21 AGENCY ARE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR AN INJURY
22 RESULTING FROM THE USE OF A FIREARM OR AMMUNITION THAT IS STORED ON
23 THE PREMISES OF A FOSTER HOME OR IS CARRIED BY A PROVIDER OF FOSTER
24 CARE OR ANY OTHER PERSON WHO RESIDES IN A FOSTER HOME.

25 (5) NOTHING IN THIS SECTION BARS A FOSTER CHILD OR AUTHORIZES
26 A SUPERVISING AGENCY TO BAR A FOSTER CHILD FROM LAWFUL POSSESSION
27 OF A FIREARM FOR A HUNTING, EDUCATIONAL, OR RECREATIONAL PURPOSE

1 WHILE THE FOSTER CHILD IS IN THE PRESENCE OF AN ADULT WHO MAY
2 LAWFULLY POSSESS A FIREARM.

3 (6) IN ACCORDANCE WITH SECTION 1B OF 1927 PA 372, MCL 28.421B,
4 A SUPERVISING AGENCY SHALL NOT REQUIRE A FOSTER PARENT TO PROVIDE
5 THE SUPERVISING AGENCY WITH CONFIDENTIAL FIREARM INFORMATION,
6 INCLUDING SERIAL NUMBERS, REGISTRATION DOCUMENTS, AND LICENSING
7 DOCUMENTS.

8 (7) A PARTY SUBJECT TO THE PROVISIONS OF THIS SECTION MUST
9 COMPLY WITH ALL OTHER STATE AND FEDERAL STATUTES REGARDING FIREARMS
10 OR AMMUNITION.

11 (8) AS USED IN THIS SECTION:

12 (A) "FOSTER CHILD" MEANS A CHILD PLACED OUTSIDE OF HIS OR HER
13 HOME FOR FOSTER CARE OR ADOPTION SERVICES UNDER THE CARE AND
14 SUPERVISION OF A SUPERVISING AGENCY.

15 (B) "FOSTER HOME" MEANS A FOSTER FAMILY HOME OR A FOSTER
16 FAMILY GROUP HOME AS THOSE TERMS ARE DEFINED IN SECTION 1 OF 1973
17 PA 116, MCL 722.111.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.