

SENATE BILL No. 527

September 6, 2017, Introduced by Senators CASPERSON and SCHUITMAKER and referred to the Committee on Families, Seniors and Human Services.

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 OR
8 AMMUNITION IN A LOCKED SECURE STORAGE CONTAINER EXCEPT IN THE
9 FOLLOWING CIRCUMSTANCES:

10 (A) IF THE FIREARM OR AMMUNITION IS USED FOR A LAWFUL PURPOSE,

1 THAT MAY INCLUDE, BUT IS NOT LIMITED TO, AN EDUCATIONAL OR
2 RECREATIONAL PURPOSE, HUNTING, THE DEFENSE OF A PERSON OR PROPERTY,
3 OR CLEANING OR SERVICING THE FIREARM.

4 (B) IF THE FIREARM OR AMMUNITION IS INOPERABLE AND SOLELY
5 ORNAMENTAL.

6 (3) A PERSON WHO STORES A FIREARM OR AMMUNITION ON THE
7 PREMISES OF A FOSTER HOME IN A LOCKED SECURE STORAGE CONTAINER AS
8 REQUIRED UNDER SUBSECTION (2) SHALL ENSURE THAT A KEY, COMBINATION,
9 OR ACCESS CODE TO THE LOCKED SECURE STORAGE CONTAINER IS KEPT IN
10 THE REASONABLY SECURE POSSESSION OF AN ADULT OR A LOCKED
11 COMBINATION OR BIOMETRIC SAFE.

12 (4) A PERSON WHO IS AUTHORIZED TO POSSESS A FIREARM ON THE
13 PREMISES OF A FOSTER HOME UNDER SUBSECTION (1) MAY CARRY A FIREARM
14 ON HIS OR HER PERSON WHILE IN THE PRESENCE OF A FOSTER CHILD,
15 INCLUDING, BUT NOT LIMITED TO, WHILE OPERATING OR RIDING IN A MOTOR
16 VEHICLE, IF THE PERSON DOES ALL OF THE FOLLOWING:

17 (A) KEEPS THE FIREARM IN A HOLSTER OR SIMILARLY SECURE CASE.

18 (B) CARRIES THE FIREARM IN A MANNER THAT ENSURES THE FIREARM
19 IS INACCESSIBLE TO THE FOSTER CHILD AND IS IN THE POSSESSION AND
20 CONTROL OF AN ADULT WHO MAY LAWFULLY POSSESS THE FIREARM OR
21 AMMUNITION.

22 (C) RETURNS THE FIREARM TO A LOCKED STORAGE CONTAINER WHEN THE
23 FIREARM IS ON THE PREMISES OF THE FOSTER HOME OR IN THE PRESENCE OF
24 A FOSTER CHILD AND IS NOT BEING CARRIED ON HIS OR HER PERSON IN
25 ACCORDANCE WITH THIS SUBSECTION OR BEING USED FOR A LAWFUL PURPOSE.

26 (5) A SUPERVISING AGENCY IS IMMUNE FROM CIVIL OR CRIMINAL
27 LIABILITY FOR AN INJURY RESULTING FROM THE USE OF A FIREARM OR

1 AMMUNITION THAT IS STORED ON THE PREMISES OF A FOSTER HOME OR IS
2 CARRIED BY A PROVIDER OF FOSTER CARE OR ANY OTHER PERSON WHO
3 RESIDES IN A FOSTER HOME.

4 (6) AS USED IN THIS SECTION, "SECURE STORAGE CONTAINER" MEANS
5 A DEVICE, INCLUDING, BUT NOT LIMITED TO, A SAFE, GUN SAFE, SECURE
6 GUN CASE, OR LOCK BOX, THAT IS MARKETED COMMERCIALY FOR STORING A
7 FIREARM OR AMMUNITION AND IS DESIGNED TO BE UNLOCKED ONLY BY MEANS
8 OF A KEY, A COMBINATION, A BIOMETRIC LOCK, OR OTHER SIMILAR MEANS.

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