



# MICHIGAN STATE POLICE LEGAL UPDATE

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## FIREARMS ACT

***Firearms Act amended to require "safe storage" of firearms where a minor is present or likely to be present.***

Public Act 17 of 2023 amended the Firearms Act by adding MCL 28.429 to create a new crime for improperly storing or leaving a firearm unattended where a minor is present or likely to be present.

### Required "Safe Storage" – Premises Under the Individual's Control

An individual who **stores or leaves a firearm unattended on premises under the individual's control**, and who knows or reasonably should know that a "minor" is, or is likely to be, present on the premises shall do 1 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. [MCL 28.429\(1\)](#).

"Minor" means an individual less than 18 years of age. [MCL 28.429\(10\)\(c\)](#).

"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. [MCL 28.429\(10\)\(a\)](#).

"Locking device" means a trigger lock, cable lock, or similar lock that prevents a firearm from discharging. [MCL 28.429\(10\)\(b\)](#).

### Required "Safe Storage" – Entering Premises of Another Individual

An individual who enters *onto the premises of another individual*, stores, or leaves a firearm unattended on those premises, and who knows or reasonably should know that a minor is, or is likely to be, present on the premises, shall take either of the above-described measures, or before entering onto the premises, do both of the following:

- In the individual's motor vehicle, store the firearm in a locked box or container in that 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.

- Lock the individual's motor vehicle. [MCL 28.429\(2\)](#).

### Penalties for "Safe Storage" Violations

- Minor exhibits or possess the firearm in a public place or exhibits or possess the in the presence of another person in a careless, reckless, or threatening manner – 93-day misdemeanor. [MCL 28.429\(3\)](#).
- Minor discharges the firearm inflicting injury – 5-year felony. [MCL 28.429\(4\)](#).
- Minor discharges the firearm inflicting "serious impairment of a bodily function" as defined in [MCL 257.58c](#). – 10-year felony. [MCL 28.429\(10\)\(d\)](#).
- Minor discharges the firearm causing death – 15-year felony. [MCL 28.429\(6\)](#).

### Exceptions

The required "safe storage" and associated violations do not apply under the following circumstances:

- A minor who does all the following:
  - Obtains a firearm with the permission of the minor's parent or guardian.
  - Uses or possesses the firearm while the minor is 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 person's parent or guardian.
  - Uses or possesses the firearm during the minor's employment, ranching or farming, or target practice or instruction in the safe use of a firearm. [MCL 28.429\(7\)\(a\)](#).
- A minor who obtains a firearm with the permission of their parent or guardian who possesses it for the purposes of lawful hunting. [MCL 28.429\(7\)\(b\)](#).
- A minor who obtains a firearm through the unlawful entry of any premises or the motor vehicle where the firearm has been stored. [MCL 28.429\(7\)\(c\)](#).
- A minor who obtains a firearm while acting in lawful self-defense/defense of others. [MCL 28.429\(7\)\(d\)](#).

***Firearms Act amended to require federally licensed firearms (FFL) dealers to include a trigger lock or gun case with the sale of each firearm and to provide certain information to the purchaser.***

Public Act 17 of 2023 amended MCL 28.435 of the Firearms Act to prohibit an FFL from selling a firearm in Michigan without including a trigger lock or gun case and providing required information with the sale.

**FFL Dealer Sales – Required Trigger Lock/Gun Case**

Except as described below, an FFL dealer shall not sell a firearm in Michigan unless the sale includes 1 of the following:

- A commercially available trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm.
- A commercially available gun case or storage container that can be secured to prevent unauthorized access to the firearm.

**Exceptions**

MCL 28.435 does not apply to any of the following:

- The sale of a firearm to a police officer or a police agency. MCL 28.435(2)(a).
- The sale of a firearm to a person that presents 1 of the following to the FFL dealer:
  - For each firearm purchased, a trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm together with a copy of the purchase receipt for the FFL dealer to keep.
  - For each firearm purchased, a gun case or storage container that can be secured to prevent unauthorized access to the firearm together with a copy of the purchase receipt for the FFL dealer to keep. MCL 28.435(2)(b).
- The sale of an "antique firearm" as defined in MCL 750.231a. MCL 28.435(2)(c).
- The sale or transfer of a firearm if the seller is not a FFL dealer. MCL 28.435(2)(d).

**Required Information and Documentation**

FFL dealers shall not sell a firearm in Michigan unless accompanied with all the following free of charge:

- A brochure or pamphlet that includes safety information on the use and storage of the firearm in a home environment. MCL 28.435(3)(a).

- A written warning informing the purchaser of the Firearm Storage Requirements and Penalties for failing to comply with "safe storage" requirements. MCL 28.429(8)(a); MCL 28.435(3)(b).
- Lethal means counseling literature published by the Michigan Department of Health and Human Service (MDHHS) under MCL 28.429(8)(b). MCL 28.435(c)

Upon sale of a firearm, the FFL dealer and the purchaser shall sign a statement that the sale complied with MCL 28.435(1), (2), and (3). MCL 28.435(4).

The FFL dealer must retain a copy of the signed statement required in MCL 28.435(4) and the receipt described in MCL 28.435(2)(b) for at least 6 years. MCL 28.435(5).

The FFL dealer shall post a conspicuous notice regarding "safe storage" violations. MCL 28.435(6).

**FFL Dealer Sales – Violations of MCL 28.435**

A person who violates MCL 28.435 is guilty of a crime.

Penalties:

First offense	93-day misdemeanor
Second offense	1-year misdemeanor
Third or subsequent offense	2-year felony