

HB 45 -- UNLAWFULLY STORING A FIREARM IN THE PRESENCE OF A CHILD

SPONSOR: Price

This bill creates the offense of unlawfully storing a firearm in the presence of a child. This offense is committed if a person, acting with criminal negligence:

- (1) Failed to secure a readily dischargeable firearm or left such a firearm in a place they knew or should have known a child could access;
- (2) A child gains access to that firearm, and
- (3) Discharges it, and injures or kills him or herself or someone else.

Unlawfully storing and securing a firearm is punishable as a class D misdemeanor, unless the child discharges a round from the firearm causing death or serious bodily injury to themselves or someone else, in which case it is punishable as a class A misdemeanor.

The bill also provides several affirmative defenses to the offense of unlawfully storing a firearm in the presence of a child. These affirmative defenses include:

- (1) If the child's access to the firearm was under the supervision of someone who is at least 18 years of age; and
- (2) The firearm was used for a hunting or sporting purpose;
- (3) If the child obtains access to the firearm by illegal means.

Also, it is an affirmative defense if the child ultimately uses the firearm in an act of lawful self-defense.

This bill is the same as HB 1391 (2020).