

HB 1391 -- 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 if the child's access to the firearm was under the supervision of someone who is at least 18 years of age and the firearm was used for a hunting or sporting purpose, or 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 995 (2019).