

SB0646/228870/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 646
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Young,” insert “Hettleman.”; after line 2, insert “(Jaelynn’s Law)”; in lines 4 and 6, in each instance, strike “loaded or unloaded”; in line 5, strike “repealing” and substitute “altering”; in the same line, after “prohibition;” insert “establishing certain exceptions to the prohibition;”; strike beginning with “loaded” in line 8 down through “unloaded” in line 9; and in line 12, after “term;” insert “declaring the intent of the General Assembly; providing for the construction of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 2, in line 12, strike “OR”; in line 14, strike the bracket; in the same line, strike “or”; in line 15, after “(4)” insert “FOR A RIFLE OR SHOTGUN:

(1);

in the same line, strike “child” and substitute “MINOR:

1.;

in line 16, strike the bracket and substitute “;AND

2. HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY; AND

(Over)

(II) THE PERSON WHO STORES OR LEAVES THE RIFLE OR SHOTGUN HAS NO REASON TO BELIEVE THAT A MINOR WILL ACCESS THE RIFLE OR SHOTGUN FOR A PURPOSE OTHER THAN THE PURPOSE FOR WHICH THE MINOR HAS BEEN GIVEN PERMISSION TO ACCESS THE RIFLE OR SHOTGUN;

(5) THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT; OR

(6) THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR LEAVES:

(I) THE FIREARM UNLOADED; AND

(II) ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION WHERE A MINOR COULD NOT REASONABLY GAIN ACCESS TO THE AMMUNITION”;

in line 17, strike “loaded OR UNLOADED”; and in lines 20 and 26, in each instance, strike “LOADED OR UNLOADED”.

On page 3, in lines 5 and 6, strike “IMPRISONMENT NOT EXCEEDING 90 DAYS OR”; in line 6, strike “OR BOTH”; in line 9, strike “2 YEARS” and substitute “1 YEAR”; in line 12, strike “5 YEARS” and substitute “3 YEARS”; and after line 20, insert:

“(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IT IS THE INTENT OF THE GENERAL ASSEMBLY:

(I) THAT A PARENT OR GUARDIAN OF A CHILD WHO IS HARMED OR WHO DIES AS THE RESULT OF AN ACCIDENTAL SHOOTING BE PROSECUTED ONLY IN THOSE INSTANCES IN WHICH THE PARENT OR GUARDIAN

BEHAVED IN A GROSSLY NEGLIGENT MANNER OR WHERE EGREGIOUS CIRCUMSTANCES EXIST; AND

(II) IF A CHILD IS HARMED OR DIES AS THE RESULT OF AN ACCIDENTAL SHOOTING INVOLVING THE CHILD'S PARENT OR GUARDIAN VIOLATING THIS SECTION, THE STATE'S ATTORNEY SHALL CONSIDER THE IMPACT OF THE HARM OR DEATH ON THE PARENT OR GUARDIAN IN DETERMINING WHETHER TO PROSECUTE THE PARENT OR GUARDIAN UNDER THIS SECTION.

(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT OR OTHERWISE RESTRICT A STATE'S ATTORNEY'S ABILITY TO PROSECUTE A VIOLATION OF THIS SECTION."