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Act No. 45 (H. 230). An act relating to implementing mechanisms to reduce suicide and community violence

Subjects: Health; mental health; suicide prevention; reducing lethal means; firearms

This act contains several provisions related to reducing suicide by firearms and to reducing community violence.

Sec. 3 of this act establishes the crime of negligent firearms storage, which is committed if certain harms result because a person keeps or stores firearms in any premises under the person's custody or control and the person knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm. If the resulting harm is that the firearm is accessed by a child or a person prohibited by law from possessing a firearm who uses it to commit a crime or displays it in a threatening manner, the person who stored or kept the firearm may be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the resulting harm is that the firearm is accessed by a child or a person prohibited by law from possessing a firearm who uses it to cause death or injury to any person, the person who stored or kept the firearm may be imprisoned not more than five years or fined not more than \$5,000.00, or both.

This act creates several exceptions to the crime of negligent firearms storage. First, there is no crime if the firearm is carried by or within such close proximity that it can be readily retrieved and used by the owner or another authorized user. Nor is there a crime if the child or prohibited person accesses the firearm during an illegal entry or while acting in self-defense or defense of another person. Lastly, there is no crime if the person stores or keeps the firearm in a locked container or equipped with a tamper-resistant mechanical lock or other safety device.

This act also requires firearms dealers to post signs where they conduct sales that warn purchasers about the risks of firearms and suicide and that inform purchasers about the need to securely store firearms and the importance of seeking firearm safety instructions.

Secs. 4–6 of this act expand the procedure for obtaining an extreme risk protection order (ERPO) by permitting an ERPO petition to be filed by a family member or a household member. Under current law, the petition can only be filed by a State's Attorney or the Attorney General.

Sec. 7 of this act requires a 72-hour waiting period for most firearms transfers. The waiting period is not required for firearms transfers that do not require a background check, such as transfers between immediate family members, law enforcement, or the military.

Effective Date: July 1, 2023