



# CHILD ACCESS PREVENTION LAWS ON THE BOOKS

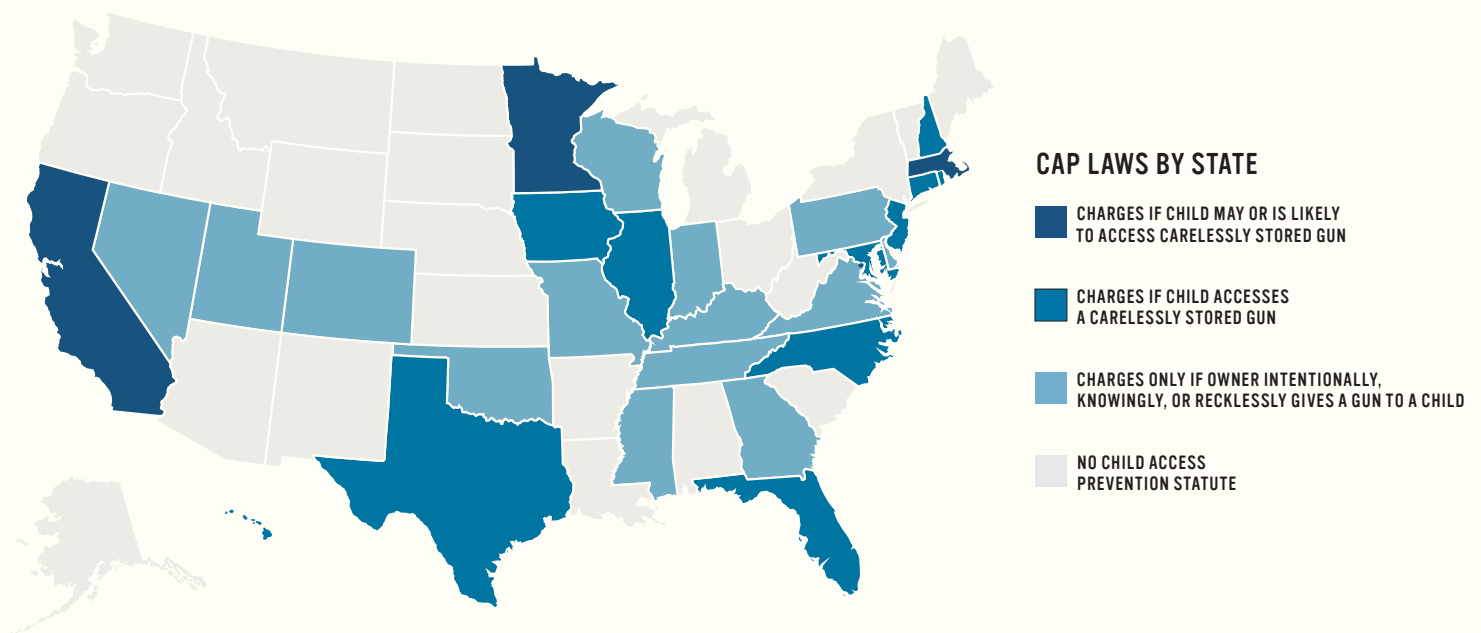
Twenty-eight states and the District of Columbia have some laws on the books that, to varying degrees, hold gun owners criminally liable if children access their guns. The laws vary substantially.

In the fourteen least-strict states, a gun owner is liable only if he recklessly, knowingly, or intentionally gives a gun to a minor; mere careless storage is not criminalized, even if a minor finds the gun and causes injury or death. At the other extreme are three states and the District of Columbia, in which a gun owner can be liable if a minor “may” or “is likely to” access a negligently stored gun — even if the child doesn’t actually do so.

Between these extremes are 11 states where a gun owner may face criminal liability if he stores a gun negligently and a minor gains access to it. In a majority of these states, an owner will not be criminally charged if a child merely handles a gun — the child must actually cause some harm after gaining access to the firearm. These laws generally impose criminal penalties if a child uses the gun in a threatening manner or during a crime; if the child causes serious injury or death; or in both circumstances.

Among all the states with CAP laws, several have exceptions for parents of children injured or killed in unintentional shootings:

- In New Hampshire, Rhode Island, and California, a parent whose child is injured or killed as the result of an unintentional shooting cannot be charged unless they behaved in a “grossly negligent” manner.
- In Georgia, Indiana, Kentucky, Oklahoma, and Tennessee, parents can only be charged if they provided a gun to their child knowing there was a substantial risk the child would use the gun to commit a felony (or, in some of these states, if the child has previously been convicted of a violent crime).
- Texas law provides that a family member of a child who is shot cannot be arrested for negligent gun storage within 7 days of the shooting. (California make a similar exception for parents.)



**CHARGES IF CHILD "MAY" OR "IS LIKELY TO" ACCESS CARELESSLY STORED GUN**

STATE	STATUTE	CHARGES CAN BE BROUGHT EVEN IN ABSENCE OF HARM OR INJURY	AVAILABLE PENALTY
CALIFORNIA	CAL. PEN. CODE § 25000-25110	✓	MISDEMEANOR OR FELONY
DISTRICT OF COLUMBIA	D.C. CODE § 7-2507.02	✓	MISDEMEANOR OR FELONY
MASSACHUSETTS	140 ANN. LAWS MASS § 131L(C)	✓	FELONY
MINNESOTA	MINN. STAT. § 609.666	✓	MISDEMEANOR

**CHARGES IF A CHILD ACCESSES A CARELESSLY STORED GUN**

STATE	STATUTE	CHARGES CAN BE BROUGHT EVEN IN ABSENCE OF HARM OR INJURY	AVAILABLE PENALTY
CONNECTICUT	CONN. GEN. STAT. § 29-37i, § 53A-217A.		FELONY
FLORIDA	FLA. STAT. § 790.174, § 784.05		MISDEMEANOR OR FELONY
ILLINOIS	720 ILL. COMP. STAT. § 5/24-9		MISDEMEANOR
IOWA	IOWA CODE § 724.22		MISDEMEANOR
HAWAII	HAW. REV. STAT. §§ 134-10.5; 707-714.5	✓	MISDEMEANOR
MARYLAND	MD. CRIM. LAW CODE ANN. § 4-104	✓	MISDEMEANOR
NEW HAMPSHIRE	N.H. REV. STAT. ANN. § 650-C:1		MISDEMEANOR
NEW JERSEY	N.J. STAT. § 2C:58-15	✓	MISDEMEANOR
NORTH CAROLINA	N.C. GEN. STAT. § 14-315.1		MISDEMEANOR
RHODE ISLAND	R.I. GEN. LAWS § 11-47-60.1		MISDEMEANOR
TEXAS	TEX. PENAL CODE § 46.13	✓	MISDEMEANOR

**CHARGES ONLY IF OWNER INTENTIONALLY, KNOWINGLY, OR RECKLESSLY GIVES A GUN TO A CHILD**

STATE	STATUTE	CHARGES CAN BE BROUGHT EVEN IN ABSENCE OF HARM OR INJURY	AVAILABLE PENALTY
COLORADO	COLO. REV. STAT. § 18-12-108.7	✓	FELONY
DELAWARE	11 DEL. CODE § 1456; 11 DEL. CODE § 603		MISDEMEANOR
GEORGIA	GA. CODE ANN. § 16-11-101.1	✓	FELONY
INDIANA	IND. CODE § 35-47-10-7	✓	FELONY
KENTUCKY	KY. STA. ANN § 527.110	✓	FELONY
MISSISSIPPI	MISS. CODE § 97-37-15	✓	MISDEMEANOR
MISSOURI	MO. REV. STAT. § 571.060	✓	MISDEMEANOR
OKLAHOMA	21 OKL. ST. § 1273	✓	MISDEMEANOR
NEVADA	NEV. REV. STAT. ANN. § 202.300	✓	MISDEMEANOR OR FELONY
PENNSYLVANIA	18 PA. C.S. § 6110.1(C)	✓	FELONY
TENNESSEE	TENN. CODE ANN. § 39-17-1320	✓	MISDEMEANOR
UTAH	UTAH CODE ANN. § 76-10-509.6	✓	MISDEMEANOR OR FELONY
VIRGINIA	VA. CODE ANN. § 18.2-56.2	✓	MISDEMEANOR
WISCONSIN	WISC. STAT. § 948.55		MISDEMEANOR

**NO CHILD ACCESS PREVENTION STATUTE**

ALABAMA, ALASKA, ARIZONA, ARKANSAS, IDAHO, KANSAS, LOUISIANA, MAINE, MICHIGAN, MONTANA, NEBRASKA, NEW MEXICO, NEW YORK, NORTH DAKOTA, OHIO, OREGON, SOUTH CAROLINA, SOUTH DAKOTA, VERMONT, WASHINGTON, WEST VIRGINIA, AND WYOMING