

Legislative Analysis



SCHOOL GUN SAFETY INSTRUCTION

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Senate Bill 1402 (Substitute S-1)

Sponsor: Sen. John Gleason

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Education

First Analysis (11-9-10)

BRIEF SUMMARY: The bill would require the Department of Education to select one or more model gun safety programs and make them available to elementary schools by August 1, 2011. Only the National Rifle Association's Eddie Eagle GunSafe® program, or one that is based on the NRA program, could qualify as a model program. All school districts and public school academies (charter schools) would be encouraged, but not required, to implement a model gun safety program, at least for third-graders, beginning in the 2011-2012 school year. The bill would amend the Revised School Code.

[Note: An existing state law (MCL 28.16) already requires the Department of State Police to make a firearm safety program available to schools, and gun safety lessons for K-12 students are included in that department's widely-used school liaison T.E.A.M. curriculum, described below.]

FISCAL IMPACT: The bill would have minimal fiscal impact on the state. Any costs would be incurred by the Department of Education in developing or adopting and making available a model gun safety instruction program, and they could be avoided if the existing MSP program were used.

THE APPARENT PROBLEM:

In 2000, a horrifying shooting took place at the Buell Elementary School in Mt. Morris Township, Michigan—a six-year old boy shot a six-year-old girl to death at school using a gun he had found lying on the floor of his house. This shooting, which captured the nation's attention, led the bill sponsor to introduce this bill, according to his testimony before the House committee. In the ten years since that shooting, many more children have been killed by gunfire in Michigan—the vast majority of these deaths are homicides and suicides, but a few are accidents. In 2007, according to a recent Children's Defense Fund report,¹ there were 92 homicides, 23 suicides, two accidental deaths, and two unspecified deaths of Michigan children or teens involving firearms.

One strategy for preventing childhood deaths by gunfire, especially accidental shootings by young children, is for children to be taught not to handle or play with any gun that

¹ See p. 11 of the Children's Defense Fund report entitled, "Protect Children, Not Guns 2010," <http://www.childrensdefense.org/child-research-data-publications/data/protect-children-not-guns-2010-report.pdf>, for state-specific information about the number and manner of firearm deaths of children and teens.

they find at home or anywhere else.² To this end, even before the notorious Mt. Morris Township school shooting, Michigan enacted a law requiring the Department of State Police to establish and maintain a program to teach children about the dangerous nature and safe handling of firearms, and to make this program available to all local school districts. (MCL 28.16)

The Department of State Police has complied with this law by including gun safety lessons in its "Teaching, Educating, and Mentoring" (T.E.A.M.) school liaison curriculum designed for K-12 students.³ Depending on a school's needs, a school liaison officer can present the entire T.E.A.M. curriculum—lessons covering bullying, Internet safety, and many other topics—or the officer can present stand-alone lessons on specific topics such as gun safety. Since the program began, more than 1,000 state and local law enforcement officers have been certified to teach the T.E.A.M. program to students after completing a week-long State Police training course. In addition, in recent years, law enforcement agencies from other states—including Pennsylvania, Texas, Oklahoma, Indiana, and Florida—have sought T.E.A.M. training from the Michigan State Police. In 2010, the T.E.A.M. program was honored as an outstanding criminal justice program by

² Other strategies include (1) laws requiring the safe storage of firearms, especially around children and teens; and (2) laws holding adults legally responsible for deaths or injuries caused by their improperly stored firearms. Common recommendations for safe storage of firearms around children include including the use of trigger locks or other locking devices; storing firearms in a locked cabinet, safe, or vault; and storing ammunition in a separate locked location. Michigan laws related to firearms storage include the following:

- Federally-licensed firearms dealers must sell a trigger lock or other disabling device or a lockable gun case or other lockable storage container with every firearm they sell, unless the buyer shows proof that he or she already owns one. (MCL 28.435) Michigan law does not, however, specifically require gun owners to use these items. (Foster parents may be required by foster care *agency rules* to follow safe storage practices—each agency must have a policy requiring firearms to be trigger-locked or fully inoperable and stored without ammunition in a locked area. Michigan Administrative Code R 400.12416(b).)
- Gun dealers must post a conspicuous notice that says "You may be criminally and civilly liable for any harm caused by a person less than 18 years of age who lawfully gains unsupervised access to your firearm if unlawfully stored," and distribute a free brochure about the use and storage of firearms in a home environment with every firearm sold. (MCL 28.435) The State Police have developed a brochure for this purpose, *Use & Storage of a Firearm in a Home Environment*, http://michigan.gov/documents/msp/msp-203_-_PDF_286476_7.pdf.
- Any person who "because of carelessness, recklessness or negligence, but not willfully or wantonly, shall cause or allow any firearm under his immediate control, to be discharged so as to kill or injure another person" commits a misdemeanor (MCL 28.861).
- The parent of a child under the age of 18 who takes a firearm to school commits a misdemeanor if the parent has custody of the child, and (1) knows the child will commit the violation, or (2) acts to further it. (MCL 750.235a).
- A bill to prohibit and impose penalties for storing a firearm in a manner accessible to a minor is currently pending (Senate Bill 268 of 2009). The bill's primary sponsor, Sen. Martha Scott, has introduced this bill for several consecutive legislative sessions, but it has never advanced.

³ Information about the T.E.A.M. program is available on the State Police website at: http://www.michigan.gov/msp/0,1607,7-123-1589_1711_4586-10270--,00.html. Information about the program's curriculum is available at http://www.michigan.gov/documents/TEAM_CURRICULUM_2006_155856_7.pdf. For example, Lesson 5 for students in grades K-2 is "Let's Learn about Gun Safety," Lesson 5 for students in grades 3-5 is "Let's Stop and Think About Gun Safety," Lesson 6 for students in grades 6-8 is "Gun Safety We Can Live With," and Lesson 7 for high school students is "Gun Safety Begins with You."

the National Criminal Justice Association. A grant received by the State Police under the federal Recovery Act will help fund instructor schools to train school liaison officers in the T.E.A.M. program in Michigan in 2010 and 2011.

The T.E.A.M. curriculum developed by the State Police is based at least in part on the Michigan Model for Health curriculum. According to the Department of Education, the Michigan Model curriculum, widely used in Michigan and throughout the country, also contains lessons on preventing gun accidents as well as accidents involving other dangerous objects such as fireworks, knives, broken glass, and syringes. Many other gun safety programs and materials exist including ones developed by the National Crime Prevention Council and the National Shooting Sports Foundation.

In 1988, the National Rifle Association (NRA) developed its own gun safety curriculum—the Eddie Eagle GunSafe® program—for children in preschool through the third grade. In this program, a cartoon superhero named "Eddie Eagle" teaches children to do the following things if they find a gun: "Stop! Don't touch. Leave the area. Tell an adult."⁴ (These same steps are taught in the Michigan Model, in the T.E.A.M. program, and in most gun safety lessons for young children.) Eddie Eagle program materials available from the NRA include student workbooks, instructor guides, animated DVDs and videos, posters, reward stickers, coloring books, and plush toys. The NRA also sells an optional \$2,650 mascot suit to law enforcement officers so they can present lessons dressed as Eddie Eagle. According to the NRA, limited grant funding is available in some states, including Michigan, on a first-come, first-served basis to cover basic program costs. These grants are funded by corporations and other donors to the NRA's "Friends of the NRA" group.⁵

According to the NRA, the Eddie Eagle GunSafe® program has been presented to 24 million children during its 22 years of existence. Many state governors and legislatures, including Michigan's then-Governor John Engler in 1998, have issued tributes or resolutions praising the program or promoting its use. According to the NRA, in 2004, Ohio was the first state to appropriate state funds (\$40,000 over two years) to purchase Eddie Eagle program materials for schools. Earlier this year, Virginia apparently became the first state to enact a statewide statute that allows its schools to use only the Eddie Eagle program to teach gun safety, if they offer gun safety training. (Reportedly, earlier versions of the Virginia bill gave schools the option of using either the NRA program or another one featuring McGruff the Crime Dog, but only the NRA program was included in the final version of the bill.)

⁴ Information about the program can be found on the NRA website: <http://www.nrahq.org/safety/eddie/>. Information about program materials and costs is available at <http://www.nrahq.org/safety/eddie/materials.asp>. Information about mascot suits is available at <http://www.nrahq.org/safety/eddie/mascot.asp>.

⁵ The 2010 national sponsor of the "Friends of the NRA" is MidwayUSA, an online and mail-order vendor of "shooting, reloading, gunsmithing, and hunting equipment." Information about "Friends of the NRA" is available online at <http://www.friendsofnra.org/National.aspx?cid=572&sid=0>.

Senate Bill 1402 would require the Department of Education to develop or adopt one or more model gun safety programs—either the NRA's "Eddie Eagle" GunSafe® program or an Eddie-Eagle-based program—and to make this program available to all elementary schools in Michigan by August 1, 2011. The bill would encourage, but not require, all school districts and public school academies (charter schools) to offer the model program to at least third-grade students beginning in the 2011-2012 school year.

THE CONTENT OF THE BILL:

The bill would amend the Revised School Code to require the Department of Education to develop or adopt, and make available to schools, one or more model programs for gun safety instruction for elementary school pupils by August 1, 2011. The model program could either be the National Rifle Association's "Eddie Eagle" GunSafe® Program or a program based on the "Eddie Eagle" program.

Each school district and public school academy (charter school) would be encouraged, but not required, to adopt and implement the model gun safety instruction program for at least the third grade beginning in the 2011-2012 school year.

MCL 380.1163

ARGUMENTS:

For:

The bill would encourage more Michigan schools to use the NRA's Eddie Eagle GunSafe® program. According to the NRA, its Eddie Eagle GunSafe® gun safety program for young children is effective and popular, and that, as of October 14, 2010, it has been taught to 24 million children throughout the country. The bill will encourage more Michigan schools to present this NRA program to young children with the goal of preventing accidental shootings.

The Eddie Eagle program's only goal is to promote safety. According to the NRA, the only goal of the Eddie Eagle GunSafe® program is to promote children's safety, not to teach that guns are good or bad or to promote gun use or ownership. The program describes guns—like swimming pools, electrical outlets, matchbooks, and household poisons—as a fact of everyday life in America. Because firearms are kept in almost half of all American households, young children should be taught not to handle them.

Schools would not be obligated to use the NRA program or any other one. Although the bill would encourage elementary schools to offer either the Eddie Eagle GunSafe® program, or an Eddie Eagle-based program, schools would be free to offer a different gun safety program or none at all. Schools currently using the T.E.A.M. program, the Michigan Model for Health curriculum, or some other gun safety program could keep doing so.

Grants are available from the "Friends of the NRA" to pay for program materials. The bill would require the Department of Education to make the Eddie Eagle program (or

an Eddie Eagle-based program) available to all schools. According to the NRA, basic program materials are inexpensive, and, in any event, grant funding is available in many states, including Michigan, on a first-come, first served basis to cover the costs of basic program materials. The grant funding is provided by the corporate sponsors and others donors to the "Friends of the NRA" program.

Against:

The bill is unnecessary. Any Michigan school that wants to offer the NRA's Eddie Eagle classes is already free to do so. Elementary schools in Woodhaven recently did this. A bill is not necessary to permit this.

What's more, Michigan already has a law on the books requiring a different state department—the State Police—to do the very thing the bill would require from the Department of Education. Existing law (MCL 28.16) requires the Department of State Police to establish and maintain a firearm safety program to teach Michigan students about the dangerous nature and safe handling of firearms, and to make this program available to local school districts. The State Police have done this, and have done this well—over 1,000 state and local law enforcement officers have already been trained to present the State Police's award-winning T.E.A.M. program to K-12 students in schools throughout the state. Unlike the Eddie Eagle program which is designed for only pre-K-3 students, the T.E.A.M. program has gun safety lessons for K-12 students.

Moreover, another widely-used curriculum already developed by the Department of Education—the Michigan Model for Health—includes lessons on preventing gun accidents as well as preventing accidents with other dangerous objects such as knives, broken glass, and syringes, according to the Department of Education.

The bill would impose unnecessary, duplicative costs on the state. At a minimum, the bill would require the Department of Education to evaluate the Eddie Eagle GunSafe® program and other available curricula, and to make the Eddie Eagle program or an Eddie Eagle-based program available to schools. The bill's "make available" language would apparently require the department to cover the costs of purchasing program materials for any school that wanted them (if sufficient grant funding weren't available from the NRA's "Friends" program). In the meantime, the State Police would remain legally obligated under MCL 28.16 to maintain and offer its gun safety program to schools. There is no need for this duplication of effort.

The bill improperly singles out the Eddie Eagle GunSafe® program. Even if it were necessary to adopt a new model curriculum, the Department of Education says that so-called "single vendor" bills like this one are disfavored in Michigan. (Besides the Michigan Model for Health and the T.E.A.M curriculum, there are many gun safety programs on the market other than NRA's Eddie Eagle program. For example, the National Crime Prevention Council and the National Shooting Sports Foundation have educational programs and materials available to promote gun safety to children.)

Several studies suggest that the "Eddie Eagle" program is ineffective. According to the Violence Policy Center and other critics,⁶ several studies suggest that after receiving Eddie Eagle lessons, young children can usually recite the program's "Stop! Don't touch. Tell an adult. Leave the area" chant, but they aren't able to do these things in real-life situations. Parents and lawmakers should not assume that this type of training will keep young children safe around negligently-stored firearms.

Stricter gun laws for adults might prevent more deaths and injuries. Critics object to placing the onus for gun safety and responsibility on young children, rather than on adult gun owners. Keeping firearms in homes where children live or visit is inherently dangerous, they say, especially because many gun owners do not store their firearms securely. Many fatalities involving firearms (including teenage suicides which are far more common than accidental shootings) might be prevented if families with children or teenagers at home either had no guns at all (as recommended by the American Academy of Pediatrics) or at least followed safe storage practices. To encourage safe storage, some states have enacted very specific requirements and strict penalties for failing to store guns securely out of the reach of minors. [For a summary of Michigan's laws related to gun storage, see footnote 2 on pp. 1-2 of this analysis.] According to the Violence Policy Center's report, *Joe Camel with Feathers*, the Eddie Eagle program was developed in 1988 specifically to try to derail a Florida bill to hold adults liable for injuries or deaths resulting from their improperly-stored firearms.

POSITIONS:

The National Rifle Association of America (NRA) indicated support of the bill. (9-28-10)

The Michigan Hunting Dog Federation and the Michigan United Conservation Clubs indicated support of the bill. (9-24-10).

The Department of Education testified in opposition to the bill. (9-24-10)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.⁷

⁶ See the Violence Policy Center report, *Joe Camel with Feathers*, <http://www.vpc.org/studies/eddieap1.htm>, and Paul Helmke, May 11, 2010, *Eddie Eagle Doesn't Fly or Protect*, <http://blog.bradycampaign.org/?p=2224&s=1> <http://blog.bradycampaign.org/?p=2224&s=1>.