

# Child Injury Laws *Blog*

## Negligently Stored Guns Pose A Major Threat To The Safety Of Our Kids

Posted by **Jonathan Rosenfeld** on January 31, 2011

If you think child-related shootings and deaths are isolated to gang violence, you are bitterly wrong. Statistics tell us that children are far more likely to be injured or killed at home-- due to an improperly stored gun and/or ammunition than they are to be shot due to random act of violence.

Children-- in particular, are at risk for gun-related injury or death due to naturally inquisitive nature. Further, many of our children are used to playing with toy-guns which make the distinction between real and fake even more difficult to determine.

Just recently, I read about the accidental shooting of a five-year-old boy in Chicago. Apparently, the boy and his twin brother were playing with a family member's loaded gun, when one of them pulled the trigger. Within hours of being shot the boy was pronounced dead in an area hospital.

### Gun Owners Responsibility To Store Their Firearms

Part of being a responsible gun owner is to make sure your firearm is securely stored so children can't access the weapon. In order to keep children and other family member safe, it is suggested that:

- Guns be kept in a locked safe

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- Ammunition be stored separately from the gun
- Use trigger-locks to further prevent the unintentional firing of the weapon

The above common sense precautions are not just dictated by the fact that they are simply the right thing to do, many states have implemented child access protection (CAP) laws that impose criminal liability on gun owners who fail to properly secure their firearms (see below for states with such criminal legislation).

If you ever questioned the problems that accompany negligently stored guns, here are some statistics that may encourage you to take gun-storage matters seriously:

- 1.69 million children under 18 live in homes with unsecured firearms
- 75% of guns used in youth suicides were accessed via a friend or relative who kept the firearm at home
- 65% of guns used in school shooting were obtained from their own home or the home of a relative
- 90% of unintentional shootings occur at home
- Almost 10,000 children are treated every year in emergency rooms across the country due to accidental shootings related to guns of all types-- including 'play guns' such as dart guns and bb guns

### Civil Liability Of Gun Owners For Negligently Stored Weapons

While laws attaching criminal penalties due to accidental shootings may encourage gun owners to change the way they store their weapons, many unintentional shootings may further give way to a civil lawsuit against the owner of the gun that was involved in the shooting.

Children involved in accidental shootings, face a lifetime of pain, disfigurement and medical care. A civil claim against the owner of a gun can help ease some of the financial burden

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that accompany such injuries. In the case of a child killed in an unintentional firearm use, the family of the child may be entitled to recover damages pursuant to applicable wrongful death statutes in the particular jurisdiction where the incident occurred.

An unintentional shooting related injury or death may be covered under the gun owners insurance policy related to his home or business. A lawyer who handles accidental shootings can assist in exploring different theories of liability and also help determine which insurance policies may cover the incident.

Further, depending on the circumstances-- particularly if the claim is against a friend or relative, a resolution may be achieved in a timely and confidential manner-- if you believe it is in the best interest of your family.

Related:

[5-year-old Boy Accidentally Shot And Killed by Twin](#), By Don Babwin, Huffinton Post, August 11, 2010

[Child Access Prevention \(PDF\)](#) Legal Community Against Violence 2008

[Children and Firearms](#), Safe Kids USA

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