

I OPPOSE THIS BILL

SB 0488 isn't needed and is in direct conflict with the Federal Protection of Lawful Commerce in Arms Act (PLCAA). Let's not pretend that SB 0488 is anything other than a direct attack on the firearms industry as a method to bankrupt and do away with guns in Maryland and ultimately America. An obviously unconstitutional bill and action that the PLCAA was created to prevent. The PLCAA passed congress with large bipartisan support and was narrowly crafted to protect the firearms industry from unconstitutional lawsuits yet, provides many exemptions from protection for any illegal activity that the businesses in the firearms industry might do. Here are the facts:

- Despite political rhetoric to the contrary, the PLCAA does not grant the firearm and ammunition industry immunity from suit different than that what is enjoyed by other industries.
- The PLCAA was enacted by a broad bipartisan margin in response to the dozens of frivolous lawsuits orchestrated and largely funded by gun control groups solely to put gun companies out of business based on circumstances entirely beyond their control.
- Members of the MGA need to hear how this crucial law is what stands between law-abiding industry members and gun control advocates that want to punish the industry for the illegal actions of criminals.
- Most states recognized a need for this kind of protection and therefore they passed similar protections ahead of the PLCAA.
- Unlike the PLCAA common sense law, SB 0488 lacks common sense and is a blatant attack on the gun industry.
- The PLCAA ensures that responsible and law-abiding federally licensed manufacturers and retailers of firearms and ammunition are not unjustly blamed in federal and state civil actions for "the harm caused by those who criminally or unlawfully misuse" these products that function as designed and intended. And SB 0448 is clearly design to attempt to undo these constitutional protections that any other industry has.
- The Congressional Record shows the PLCCA was deliberately drafted to allow lawsuits where companies have violated the law. For example, then-Rep. Cliff Stearns (R-FL6) stated, "This legislation will end these coercive and undemocratic lawsuits...this legislation is very narrowly tailored to allow suits against any bad actors to proceed. It includes carefully crafted exceptions to allow legitimate victims their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or seller, or the negligent entrustment of a firearm to an irresponsible person."
- Six exemptions in the law expressly allow suits based on knowing violations of federal or state law related to gun sales, or on traditional grounds including negligence or breach of contract.
- Congress specifically carved out exceptions to allow claims of negligence and negligent entrustment to proceed where allowed under state law (i.e. retailer sells a firearm to someone under age or someone visibly intoxicated who then uses the firearm to injure themselves or others).
- The bill also allows product liability cases involving actual injuries caused by a defective firearm or criminal misconduct on the part of the company.

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