



Testimony in **Support** of
Civil Actions - Public Nuisances -
Firearm Industry Members
(Gun Industry Accountability Act of 2023)

SB488/HB947
Executive Director Karen Herren
Marylanders to Prevent Gun Violence

March 27, 2024

Dear Chair Clippinger, Vice Chair Bartlett, and distinguished members of the committee,

We urge the committee for a **FAVORABLE WITH AMENDMENTS** report on Senate Bill 488. MGV previously submitted written testimony on **SB488/HB947** substantiating the need for Gun Industry Accountability to create a state level cause of action permissible under the Protection of Lawful Commerce in Arms Act (“PLCAA”). This testimony will not repeat what was previously submitted. We do, however, urge this body to amend the bill as it cleared the Senate to include the ability of individuals including localities to file a case.

As it cleared the Senate, the bill grants the Attorney General the ability to bring lawsuits against bad actor firearm industry members. This is a step in the right direction. However, gun violence is felt most acutely by those who are survivors or victims of gun violence and it is for those people that we advocate for this bill. It is untenable that the State would only allow this form of justice to be in the hands of a political office. It is the people that deserve the ability to pursue justice and to hold accountable those who played a role in their tragedies.

Short of putting the private right of action back into the legislation, we ask that you consider including localities. This at least gets closer to the victims and the communities most impacted and allows a possibility for legal action should the Attorney General choose not to pursue a case based on the broader needs of the State approach that office would by necessity employ.

For clarity, the following section should be added back into the bill on page 4:

(B) (1) A PERSON MAY BRING AN ACTION FOR DAMAGES AGAINST A FIREARM INDUSTRY MEMBER FOR INJURY OR LOSS SUSTAINED AS A RESULT OF A VIOLATION OF §3-2302 OF THIS SUBTITLE.

(2) A PERSON WHO BRINGS AN ACTION UNDER THIS SUBSECTION MAY SEEK AND BE AWARDED:

(I) INJUNCTIVE RELIEF;
(II) COMPENSATORY DAMAGES;
(III) PUNITIVE DAMAGES; AND
(IV) REASONABLE ATTORNEY'S FEES AND COSTS.

(3) A PERSON WHO BRINGS AN ACTION UNDER THIS SUBSECTION SHALL, WITHIN 5 DAYS AFTER FILING THE COMPLAINT;

(I) NOTIFY THE ATTORNEY GENERAL THAT THE PERSON HAS BROUGHT THE ACTION; AND
(II) PROVIDE THE ATTORNEY GENERAL WITH A COPY OF THE COMPLAINT AND ANY OTHER DOCUMENTS OR PLEADINGS FILED WITH THE COMPLAINT.

With that **AMENDMENT**, we would urge a **FAVORABLE** report.