



**SB 488**  
**Civil Actions – Public Nuisances – Firearm Industry Members**  
**Gun Industry Accountability Act of 2024**

**UNFAVORABLE**

The Maryland State Rifle & Pistol Association (MSRPA) opposes SB 488, the Gun Industry Accountability Act of 2024. This bill would regulate the gun industry, including manufacturers and retailers, to prevent reckless harm caused by firearms. Violations of this law would be treated as a public nuisance, with both the state and private citizens having the right to take legal action.

The MSRPA is the official National Rifle Association state organization for Maryland. The MSRPA's mission is to defend our rights in Maryland, support training in firearm safety and shooting skills through its affiliated clubs, and sponsor and sanction local competition throughout the state.

The intent of this bill is to overrule the Protection of Lawful Commerce in Arms Act (PLCAA), a United States Federal law which protects firearm manufacturers and dealers from being held liable for criminal misuse of their products. The PLCAA was enacted in 2005 by a broad bipartisan majority in response to dozens of frivolous lawsuits orchestrated and largely funded by gun control groups, solely to put gun companies out of business based on circumstances beyond their control.

Despite political rhetoric to the contrary, the PLCAA does not grant the firearm and ammunition industry blanket immunity from suit different than that enjoyed by other industries. Instead, the PLCAA codifies common law and common sense principles to prevent baseless litigation from bankrupting an entire lawful industry. In addition, PLCAA does not shield gun companies from being sued for wrongdoings. 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.

SB 488 is basically the same bill as SB 113, which met with an UNFAVORABLE response last year. This bill will not pass muster with the Maryland Declaration of Rights or Federal Code.

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Maryland's licensed firearms dealers are NOT the source of reckless, illegal actions of negligent citizens or violent criminals. The firearms industry is already highly regulated by federal and state statutes, with severe civil and criminal penalties for any and all criminal transgressions.

The bill is vague and probably would not survive judicial review. SB 488 allows enforcement of any "harm to the public" but doesn't define this phrase, and there are no guidelines for its implementation. Under the bill entirely lawful conduct can be deemed "unreasonable" and a "public nuisance." How do you define a LAWFUL industry as unreasonable and a public nuisance? Other terms within the bill, including "reasonable controls" and "unreasonable under the totality of the circumstances," are imprecise. Or are they, except to accomplish the destruction of an industry you may not like?

The manufacture, distribution, and sales of firearms, ammunition, and accessories associated with hunting and shooting sports contribute to Maryland's economy. There are hundreds of firearm related businesses, with good paying jobs, and which contribute millions of dollars in taxes to the state, including taxes used for conservation. When this industry is forced to abandon Maryland because of this bill, our citizens will surely feel the loss and may also be inclined to leave the state.

Bottom line: SB 488 threatens a lawful industry, our basic constitutional rights of self-defense, and our civil liberties, *and* it will not make Maryland safer from criminal violence.

The MSRPA respectfully requests and unfavorable report on SB 488.

Cathy S. Wright, MSRPA VP, Legislative Affairs  
[cwright@msrpa.org](mailto:cwright@msrpa.org)  
<http://www.msrpa.org>