

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 218

(Senator Ferguson, *et al.*)

Judicial Proceedings

**Actions Reserved to the State - Lawsuits Against Gun Manufacturers and
Dealers by or on Behalf of Local Governments**

This bill reserves exclusively to the State the authority to bring, by or on behalf of local governments, lawsuits against gun manufacturers or dealers for damages, abatement, or injunctive relief resulting from or relating to the lawful design, marketing, or sale of a gun to the public. Exceptions are granted for suits involving breach of contract or warranty applicable to a gun purchased by a local government. The State may not exercise this reserved authority without an act of the General Assembly.

The bill applies retroactively.

Fiscal Summary

State Effect: The bill is not expected to significantly impact governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: None applicable.

Background: During the past few years, a number of lawsuits have been filed across the country by government entities against the gun industry. These suits are generally based on product liability or public nuisance theories.

In response to the lawsuit brought by the city of Atlanta against firearms manufacturers, state lawmakers in Georgia adopted legislation that prohibits these suits by local governments. At least three other states, Alabama, Louisiana, and Wyoming, have considered legislation that would prohibit lawsuits by localities against firearms manufacturers.

Additional Information

Prior Introductions: This bill was introduced during the 2000 session as SB 493, and received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Calvert, Caroline, Carroll, Harford, Howard, Montgomery, Prince George's, and Queen Anne's counties; Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader – March 8, 2001
ncs/jr

Analysis by: Claire Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510