

SENATE BILL 381

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SB 218/01 - JPR

2002 Regular Session
2r1676

By: **Senators Ferguson, Colburn, DeGrange, Hafer, Harris, Hooper, Jacobs,
Jimeno, Mooney, and Stoltzfus**

Introduced and read first time: January 29, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of reserving to the State the authority to bring certain lawsuits and
5 the right to recover certain damages against gun manufacturers and dealers
6 under certain circumstances; providing for the application of this Act; and
7 generally relating to reserving the authority to the State to bring lawsuits and
8 recover damages against gun manufacturers and dealers.

9 BY adding to

10 Article - Courts and Judicial Proceedings

11 Section 5-1201 to be under the new subtitle "Subtitle 12. Actions Reserved to
12 the State"

13 Annotated Code of Maryland

14 (1998 Replacement Volume and 2001 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 **SUBTITLE 12. ACTIONS RESERVED TO THE STATE.**

19 5-1201.

20 (A) (1) THE AUTHORITY TO BRING SUIT AND THE RIGHT TO RECOVER
21 AGAINST ANY GUN MANUFACTURER OR DEALER BY OR ON BEHALF OF ANY
22 POLITICAL SUBDIVISION OR LOCAL GOVERNMENT AUTHORITY FOR DAMAGES,
23 ABATEMENT, OR INJUNCTIVE RELIEF RESULTING FROM OR RELATING TO THE
24 LAWFUL DESIGN, MARKETING, OR SALE OF A GUN TO THE PUBLIC SHALL BE
25 RESERVED EXCLUSIVELY TO THE STATE.

1 (2) THE STATE MAY NOT EXERCISE THE AUTHORITY DESCRIBED IN
2 PARAGRAPH (1) OF THIS SUBSECTION WITHOUT AN ACT OF THE GENERAL ASSEMBLY
3 ALLOWING THE EXERCISE OF THE AUTHORITY.

4 (B) THIS SECTION DOES NOT PROHIBIT A POLITICAL SUBDIVISION OR LOCAL
5 GOVERNMENT FROM BRINGING AN ACTION AGAINST A GUN MANUFACTURER OR
6 DEALER FOR BREACH OF CONTRACT OR WARRANTY AS TO A GUN PURCHASED BY
7 THE POLITICAL SUBDIVISION OR LOCAL GOVERNMENT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed retroactively and shall be applied to and interpreted to affect any action
10 brought by a political subdivision or local government against a gun manufacturer or
11 dealer before October 1, 2002.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2002.