



# Montgomery County

## Office of Intergovernmental Relations

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**SB 113**

**DATE: February 7, 2023**

**SPONSOR: Senators Waldstreicher and Lee**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)**

**POSITION: Support**

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### **Civil Actions – Public Nuisances – Firearm Industry Members (Gun Industry Accountability Act of 2023)**

This bill allows the Attorney General and members of the public to sue a “firearm industry member” (i.e., manufacturer, distributor, dealer, marketer, or importer) when they knowingly and recklessly create a “public nuisance” by engaging in conduct that is unlawful or unreasonable under the totality of circumstances. The Attorney General may seek injunctive relief, restitution, compensatory and punitive damages, reasonable attorney’s fees and costs, and any other appropriate relief. A member of the public may seek compensatory and punitive damages for injury or loss as well as injunctive relief and reasonable attorney’s fees and costs,

The bill requires firearm industry members to establish “reasonable controls” regarding firearm-related products (i.e., firearms, component parts, and ammunition) to protect against public harm. The term “reasonable controls” is defined to mean policies that are designed to: (1) prevent the sale or distribution of a firearm-related product to a straw purchaser, firearm trafficker, or any person prohibited from possessing a firearm-related product under federal or State law or for whom the manufacturer or distributor has reasonable cause to believe intends to use the product to commit a crime or cause harm to self or others; (2) prevent the loss or theft of firearm-related products; and (3) ensure compliance with State and federal law. The bill specifies that the conduct of a firearm industry member is a proximate cause of harm to the public if the harm is a reasonably foreseeable effect of the conduct.

The County supports this bill and respectfully requests that the Senate Judicial Proceedings Committee give the bill a favorable report with any amendments necessary to ensure its legal validity. Gun violence throughout our country continues unabated and regulation of these deadly instruments is woefully inadequate. It is critically important the Attorney General and individuals harmed by gun violence have a clear path for holding the firearms industry accountable for practices that pose a risk to public health and safety.