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SB113 – Civil Actions – Public Nuisances – Firearm Industry Members
Unfavorable

I am a defense contractor whose current and prior employers include one of the top research laboratories in the United States and one of the leading aerospace corporations in the world. In my spare time I enjoy shooting sports, volunteering in the community, watchmaking, and woodworking. I write in opposition to SB113, a bill that directly contradicts and attempts to undermine a federal law, the Protection of Lawful Commerce in Arms Act.

The name of this bill shows the intent, to connect the entire firearms industry to “public nuisances.” Further, the text of the bill seeks to connect the willful misuse or illegal use of a firearm in a crime to everybody from the firearm manufacturer to the gun dealer, or even the lawful owner of the firearm if it was stolen from their safe and later used in a crime. I feel these connections are disingenuous at best. For the same reason I cannot sue a liquor manufacturer or liquor dealer if a person were to purchase alcohol in a sober state, go home, drink to great excess, get behind the wheel, and injure me, a firearm manufacturer or dealer cannot be responsible for the rare criminal misuse of their products by a third party. Especially if the firearm is stolen from the original owner or firearm dealer.

Maryland’s own Supreme Court ruled that in the case of a stolen firearm that was used in a homicide, the family of the victim could not sue the gun store that was the victim of the theft of the firearm used in the homicide. *Valentine v. On Target, Inc.*, 353 Md. 544, 727 A.2d 947 (1999) The court held that it did not “discern in the common law the existence of a third party common law duty that would apply to these facts.” and “[o]ne cannot be expected to owe a duty to the world at large to protect it against the actions of third parties, which is why the common law distinguishes different types of relationships when determining if a duty exists.” *Valentine*, 353 Md. at 553, 727 A.2d at 951.

An unintended consequence of this bill would be that after all firearm and ammunition manufacturers were driven out of the state under the threat of lawsuits, law enforcement in the state of Maryland would no longer be able to obtain firearms or replacement parts for service weapons within the state of Maryland. While long guns can be purchased from a federally licensed dealer in another state under federal law (as long as the long guns are legal in both the selling state and state of

residence of the buyer), all handgun purchases must go through a federally licensed dealer within the state of residence of the buyer. Similarly, no company would wish to sell firearms, ammunition, or parts to police in the state of Maryland under fear that the misuse or accidental death caused by an officer would make them liable to a deluge of lawsuits resulting from this bill. Similarly, if an officer misused their firearm, or it was stolen from the officer's vehicle or residence, this bill would open up the police department and possibly even the State of Maryland to suit by an injured party given how broadly this bill defines a "firearm industry member" and how the police department issues firearms and accessories such as holsters and weapon mounted lights to officers to support their duties.

For these reasons, I must urge you give an unfavorable report to this bill. This bill would not only hurt Maryland businesses, but also cause Maryland gun dealers to move their businesses (and related tax revenue) across state lines and provide gunsmithing services outside of the state where this bill would not have nearly as much reach over them.

Sincerely yours,



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