



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON MARCH 27, 2024
BEFORE THE HOUSE JUDICIARY COMMITTEE
IN SUPPORT OF SB 488 (THE GUN INDUSTRY ACCOUNTABILITY ACT OF 2024)
WITH AMENDMENTS**

Honorable Chair Luke Clippinger, Vice-Chair Sandy Bartlett, and Members of the Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides this supplementary testimony in support of SB 488, the Gun Industry Accountability Act of 2024.

CIF submitted testimony in support of SB 488 before the Senate Judicial Procedures Committee on February 16, 2024. A copy of that testimony is submitted with this supplementary statement, which explains an amendment that should be made to the bill, as passed by the Senate.

SB 488 is designed to deter gun industry members doing business in Maryland from engaging in irresponsible practices that actively contribute to the epidemic of gun violence. The bill holds those who engage in such practices accountable for their actions. In order for that purpose to be realized, there must be an effective enforcement mechanism.

As originally proposed, Section 3-2303 of both SB 488 and HB 947, the House version of the bill, included provisions that provided for both the Attorney General and injured individuals to file actions for redress when a firearms dealer or manufacturer acted illegally or unreasonably under the circumstances. During the Senate consideration of SB 488, Section 3-2303(B), which allowed individuals to bring an action for damages when injured, was stripped from the bill.

Eliminating the right of individuals to seek damages would greatly undermine the effectiveness of this law. Most importantly, it would unfairly limit the ability of those injured by gun violence, often those already disadvantaged in our society, to obtain justice. In addition, there is a long history of advocacy by injured individuals, banding together in class actions, forcing necessary changes in industry behavior. We need only look at the auto and tobacco industries to see the useful effect such actions can have on industry behavior.

No convincing explanation has been offered as to why the Senate removed Section 3-2303(B) from SB 488. Keeping this provision and allowing injured individuals to sue leverages the limited resources of the Office of the Attorney General to achieve the purpose of this bill to deter irresponsible behavior in the gun industry.

Eight states currently have legislation similar to SB 488 and seven of them contain a private right of action. As far as we have been able to determine, there have been no examples of this provision leading to problems, and no court has held the private right of action to be improper.

CIF requests that the Committee issue a favorable report on SB 488, with an amendment that will restore the private right of action provided under Section 3-2303(B) of SB488 as originally proposed.