

Testimony before the Judiciary Committee in support of
LD 1696: *An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the
Sale of Abnormally Dangerous Firearms*

May 17, 2023

Senator Carney, Representative Moonen, and distinguished members of the Judiciary Committee, my name is Tara Williams. I am a mom, an early childhood educator, a volunteer with Moms Demand Action, and a resident of Cumberland, Maine.

The Maine Chapter of Moms Demand Action supports LD 1696, because we need to hold the gun industry accountable to the same rules as every other consumer product industry. A person harmed by a consumer product other than guns – like opioids or cars – can generally bring a claim in court to recover damages if they can show the manufacturer designed a defective product or otherwise acted dangerously or irresponsibly.

In 2005, Congress passed the Protection of Lawful Commerce in Arms Act (PLCAA) that bars most legal cases against reckless members of the gun industry that refuse to take even the most basic steps to prevent criminals from getting armed. PLCAA gave gun manufacturers and sellers more protection from litigation than makers of cars or tobacco products.

There is an exception to PLCAA if the gun manufacturers misconduct violates state law. This bill would create such a law for Maine, by establishing clear standards that gun companies who do business in Maine must abide by, putting in place reasonable safeguards to prevent their guns from ending up in the hands of people who shouldn't have them. LD 1696 will ensure that those who violate those standards can be held accountable.

Gun Violence in Maine

- In an average year in Maine, 163 people die by guns.¹
- The rate of gun deaths has increased **41%** from 2012 to 2021 in Maine, compared to a **39%** increase nationwide. This means that in 2021 there were **48** more gun deaths than in 2012.²
- In Maine, the rate of gun suicide increased **45%** from 2012 to 2021, compared to a **19%** change nationwide.³
- Most suicides (55%) and homicides (63%) in Maine involve a gun.
- Gun suicides and suicide attempts cost Maine \$2.0 billion each year. Maine has the 17th-highest cost of gun suicides and suicide attempts in the US at \$1,506 per resident.⁴

¹ Centers for Disease Control and Prevention, National Center for Health Statistics. WONDER Online Database, Underlying Cause of Death. A yearly average was developed using four years of the most recent available data: 2018 to 2021.

² Centers for Disease Control and Prevention, National Center for Health Statistics. WONDER Online Database, Underlying Cause of Death. Rates are age-adjusted. A percentage change was developed using 2012 and 2021 data.

³ Centers for Disease Control and Prevention, National Center for Health Statistics. WONDER Online Database, Underlying Cause of Death. Rates are age-adjusted. A percentage change was developed using 2012 and 2021 data.

⁴ Ted R. Miller and Bruce Lawrence Analysis of CDC Fatal Injury: 2019 and HCUP Nonfatal Injury: 2019, accessed March 28, 2023 at <https://everystat.org>. See Methodology: Economic Cost of Gun Violence for more information.

The gun industry has the information and tools to innovate, but PLCAA has eliminated legal incentives for that industry to make firearms safer or to engage in responsible sales practices. LD 1696 would reverse that trend.

- PLCAA blocks most litigation that could incentivize gun manufacturers to design its products more safely, including the addition of simple safety features that have been available for years that could prevent unauthorized access by children and teens.
- PLCAA also blocks legal claims that could compel gunmakers to stop selling to those dealers who fuel the criminal market, have poor safety practices or training, or are not willing to use basic security measures or record every sale on video.
 - Gun manufacturers received more than two million pieces of data about firearms recovered at crime scenes or in criminal investigations since 2010.⁵
 - Yet with all of this information available, gunmakers have little incentive to stop irresponsibly supplying those dealers who cater to the criminal market—because PLCAA removes so much pressure and accountability.
 - This bill would create an affirmative requirement for gun manufacturers and dealers to put these types of safeguards in place. Those who failed to do so would be subject to lawsuits by those who are harmed as a result.
- Another source of crime guns are those stolen from gun dealers, and PLCAA shields the gun dealers who've taken no steps to secure their premises when their guns are stolen and then used in crime.
 - Between 2012 and 2021, more than 160,000 firearms were reported to be lost by or stolen from dealers across the country.⁶
 - The federal Bureau of Alcohol, Tobacco, Firearms and Explosives makes a number of recommendations regarding store security, but the choice is up to the industry on whether to implement any of them, including keeping accurate and up to date inventory or utilizing locks and bars to protect against burglary.⁷
 - The new safeguards mandated by this bill would include theft-prevention measures.

For too long, thanks to PLCAA, the gun industry has been shielded from the lawsuits that are most often used in the United States to hold businesses accountable for products or practices that harm people. We don't have to stand for this in Maine. We can pass our own state law that sets up clear standards for the gun industry. Please vote ought to pass on LD 1696.

⁵ Bureau of Alcohol, Tobacco, Firearms and Explosives, Data & Statistics, <https://bit.ly/3a9Tj6r>.

⁶ Bureau of Alcohol, Tobacco, Firearms and Explosives, Data & Statistics, <https://bit.ly/3a9Tj6r>.

⁷ Bureau of Alcohol, Tobacco, Firearms and Explosives, Safety and Security Information for Federal Firearms Licensees, ATF Publication 3317.2, revised February 2010, <https://bit.ly/2KajHmm>.