

By: Representative Denny

To: Judiciary A

HOUSE BILL NO. 439

1 AN ACT TO PROHIBIT POLITICAL SUBDIVISIONS OR GOVERNMENTAL  
2 UNITS OF THE STATE FROM SUING FIREARMS OR WEAPON MANUFACTURERS; TO  
3 PROVIDE EXCEPTIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The Legislature declares that the lawful design,  
6 marketing, distribution, manufacture, sale or transfer of  
7 firearms, firearms components, ammunition or ammunition components  
8 to the public is not unreasonably dangerous activity and does not  
9 constitute a nuisance per se, and further finds that the unlawful  
10 use of firearms and ammunition, rather than their lawful design,  
11 marketing, distribution, manufacture, sale or transfer is the  
12 proximate cause of injuries arising from their unlawful use.

13 **SECTION 2.** (1) The authority to bring suit and right to  
14 recover against any firearm or ammunition manufacturer,  
15 distributor, trade association or dealer by or on behalf of any  
16 governmental unit created by or pursuant to an act of the  
17 Legislature or the Constitution, or any department, agency, or  
18 authority thereof, or any political subdivision of the state, for  
19 damages, abatement or injunctive relief resulting from or relating  
20 to the lawful design, marketing, distribution, manufacture, sale  
21 or transfer of firearms, firearms components, ammunition or  
22 ammunition components to the public shall be reserved exclusively  
23 to the state.

24 (2) No action against any firearms or ammunition  
25 manufacturer, distributor, trade association or dealer shall be  
26 brought without the authorization of the Legislature by adoption  
27 of a concurrent resolution or by enactment of a law.



28           (3) This section shall not prohibit a political subdivision  
29 or local government authority from bringing an action against a  
30 firearm or ammunition manufacturer, distributor, trade association  
31 or dealer for:

32                   (a) Breach of contract or warranty as to firearms or  
33 ammunition purchased by the political subdivision or local  
34 government authority.

35                   (b) Injuries resulting from a firearm malfunction due  
36 to defects in materials or workmanship.

37           **SECTION 3.** This act shall apply to any action pending on or  
38 brought on or after the date this act becomes effective.

39           **SECTION 4.** This act shall take effect and be in force from  
40 and after July 1, 2002.

