HOUSE BILL NO. 439

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

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

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

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

(2) No action against any firearms or ammunition manufacturer, distributor, trade association or dealer shall be brought without the authorization of the Legislature by adoption of a concurrent resolution or by enactment of a law.
ST: Gun manufacturers; prohibit litigation against.

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

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

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

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

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