

By: Hamilton

To: Judiciary

SENATE BILL NO. 3081

1 AN ACT TO CODIFY SECTION 11-1-67, MISSISSIPPI CODE OF 1972,
2 TO LIMIT CAUSES OF ACTION BASED ON DESIGN, MARKETING,
3 DISTRIBUTION, MANUFACTURE, SALE OR TRANSFER OF FIREARMS, FIREARMS
4 COMPONENTS, AMMUNITION OR AMMUNITION COMPONENTS; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. The following shall be codified as Section
8 11-1-67, Mississippi Code of 1972:

9 11-1-67. (1) The Legislature declares that the lawful
10 design, marketing, distribution, manufacture, sale or transfer of
11 firearms, firearms components, ammunition or ammunition components
12 to the public is not an unreasonably dangerous activity and does
13 not constitute a nuisance per se, and further finds that the
14 unlawful use of firearms and ammunition, rather than their lawful
15 design, marketing, distribution, manufacture, sale or transfer, is
16 the proximate cause of injuries arising from their unlawful use.

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

27 (b) No action against any firearms or ammunition

28 manufacturer, distributor, trade association or dealer shall be
29 brought without the authorization of the Legislature by adoption
30 of a concurrent resolution or by enactment of a law.

31 (c) This section shall not prohibit the governing
32 authority of a political subdivision from bringing an action
33 against a firearm or ammunition manufacturer, distributor, trade
34 association or dealer for:

35 (i) Breach of contract or warranty as to firearms
36 or ammunition purchased by the political subdivision.

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

39 SECTION 2. This act shall apply to any action pending on or
40 brought on or after July 1, 2000.

41 SECTION 3. This act shall take effect and be in force from
42 and after July 1, 2000.