LEGISLATIVE COMMITTEE MINUTES

SB247

Bill as Introduced

2023 SESSION

23-0939
04/05

SENATE BILL ***247***

AN ACT repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Fenton, Dist 10; Rep. Meuse, Rock. 37; Rep. DiLorenzo, Rock. 10; Rep. M. Paige, Rock. 11

COMMITTEE: Judiciary

ANALYSIS

This bill repeals limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 247 - AS INTRODUCED

23-0939
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Repeal. RSA 508:21, relative to limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition, is repealed.

2 Effective Date. This act shall take effect January 1, 2024.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Daryl Abbas, Member
Sen Rebecca Whitley, Member
Sen Shannon Chandley, Member

Date: February 15, 2023

HEARINGS

Tuesday	02/21/2023
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**SB 245**	relative to the inspection of hotel guest records.
1:15 p.m.	**SB 246**	relative to disclosure of post-arrest photographs under the right to know law.
1:30 p.m.	**SB 250**	relative to remote participation in government meetings.
1:45 p.m.	**SB 253**	relative to parental access to a minor child's medical records.
2:00 p.m.	**SB 251**	establishing a committee to study the long-term impact of the New Hampshire adult parole system.
2:15 p.m.	**SB 247**	repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 245			
Sen. Ricciardi	Sen. Bradley	Sen. Gannon	Rep. Hunt
SB 246			
Sen. Murphy	Sen. Avard	Rep. D. McGuire	Rep. Spillane
Rep. Kofalt			
SB 250			
Sen. Lang	Sen. Gray	Sen. Watters	Sen. Perkins Kwoka
Sen. Whitley	Sen. Pearl	Rep. B. Boyd	
SB 253			
Sen. Innis	Sen. Avard	Sen. Murphy	Sen. Gray
Sen. Ward	Rep. Sellers	Rep. J. Harvey-Bolia	
SB 251			
Sen. Whitley	Sen. Avard	Sen. Perkins Kwoka	Sen. Watters
Sen. Soucy	Sen. D'Allesandro	Sen. Fenton	Sen. Chandley
Rep. Rhodes			
SB 247			
Sen. Altschiller	Sen. Watters	Sen. Fenton	Rep. Meuse
Rep. DiLorenzo	Rep. M. Paige		

Matthew Schelzi 271-3266

Sharon M. Carson
Chairman

Senate Judiciary Committee

Matthew Schelzi 271-3266

SB 247, repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Hearing Date: February 21, 2023

Time Opened: 2:58 p.m. **Time Closed:** 3:42 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill repeals limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Sponsors:

Sen. Altschiller	Sen. Watters	Sen. Fenton
Rep. Meuse	Rep. DiLorenzo	Rep. M. Paige

Who supports the bill: Rep. David Meuse (Rock. 37), Rep. Timothy Horrigan (Straf. 10), Senator Altschiller (District 24), Senator Fenton (District 10), Phil Hatcher, Simonida Thurber, Kent Hackmann, Barbara Meserve, Gale Taylor, Beth Benham, Gail Laker-Phelps, Leonard Korn (New Hampshire Medical Society and New Hampshire Psychiatric Society), Susan Taylor, Deborah Jakubowski, Susan Richman, Ed Friedrick, Ruth Perencevich, Louise Spencer, Rob Spencer, Cora Quisumbing-King, Mary Grace Allen, Nancy Bishop, Maureen Ellermann, Christy Bartlett, Leslie Bergevin, Laura Rundell, Maura Willing, Regan Lamphier, Anthony Holtz, Nancy Brennan, Arthur Brennan, Melissa Hinebauch, Deb Baker, Elizabeth Corell, David Holt, Sandra Blanchard, Senator Watters (District 4), Mary Wilke, Pam Baucom, Sheryl Liberman, Monica Staples, Susan Almy, Roberta Boudman, and Zandra Rice Hawkins (Granite State Progress).

Who opposes the bill: Jay E. Simkin, Dr. Joe Hannon (Gun Owners of NH), Robert Clegg (Pro Gun NH), Simon Berrio, Richard Barry, Kevin Craig, Anthony Pumilia, Daniel Richardson, Julie Smith, Curtis Howland, David Cuzzi (Sig Sauer), Kathleen Wikstron, Anthony Ferrantello, Bill Alleman, and Rep. J.R. Hoell (Merr. 27).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Altschiller introduced SB 247. She said it is a repeal of RSA 508:21. She noted the Protection of Lawful Commerce in Arms Act (PLCAA) has been in place since 2005. She said industries are regularly held accountable for defects in their products and are subject to recall. Senator Altschiller said there are some guns that have been recalled. She said the legal immunities enjoyed by firearms, firearm parts, and ammunition manufacturers have helped shield this profitable industry from facing basic financial incentives to better protect public health and safety. She said the shield from qualified civil liability action encourages negligence in the manufacturing, selling, marketing, or importing of firearms and related products, and discourages proactive life saving innovations. She said the safety and well-being of consumers should be the top priority when it comes to manufacturing and distributing dangerous products. She said repealing RSA 508:21 is important for New Hampshire consumers. She said gun violence is the leading cause of death among children and teens in the United States. She said there is no reason that the gun industry should be the only industry exempted from responsibility for the harm that its products cause.

Senator Whitley asked if there are other industries that have this type of limited liability.

Sen. Altschiller said the only other industry would be vaccine manufacturers.

Zandra Rice Hawkins, State Director of Granite State Progress, said she supports SB 247. Civil Liability can be used on industry practices, but the gun industry has enjoyed enormous protections. The industry has lobbied to take away that liability. She said victims should have a right to pursue charges if these manufacturers have lost family members. She urged the Committee to support this bill. She encouraged the Committee to look at RSA 508:21, where the policy exists.

Summary of testimony presented in opposition:

Dr. Joe Hannon, Vice President of Gun Owners of NH, opposed the bill. He said vaccines, airlines, and Internet service providers have limited liability. He said this statute does not say that someone cannot sue, as they are not immune from being sued for product or marketing problems, but only that there is limited liability. He said the purposes of these lawsuits are to attack manufacturers for crimes committed by third parties. He said a repeal of RSA 508:21 would have a serious impact on how people are able to exercise their Second Amendment rights. He said the goal of SB 247 is to pull entire lines of product from the market because of one incident.

Senator Gannon asked if Sig would have shielded liability for the P320.

Dr. Hannon said they would have liability if their product was faulty. RSA 508:21 would not protect them.

Sen. Whitley said the gun industry shouldn't be immune from recalls.

Dr. Hannon said they shouldn't be immune from recalls but they shouldn't be held liable for someone else's criminal actions.

Sen. Whitley said SB 247 does not address that but takes away protections from being sued for defects.

Dr. Hannon read RSA 508:21-I, d. He said it only references unlawful usage of a product. He said it does not reference defective products.

Sen. Whitley asked why the gun industry has the same protections as the vaccine industry.

Dr. Hannon said he doesn't believe the gun industry has as strong protections as the vaccine industry.

Sen. Whitley asked why the gun industry should enjoy the same limited liability protections as the vaccine industry.

Dr. Hannon said the Second Amendment is a constitutional right.

Sen. Whitley said she doesn't believe the Second Amendment is addressed in SB 247, as it is about the gun industry.

Dr. Hannon said the industry doesn't have a Second Amendment right, but everyone else has a right to keep and bear arms and to limit the ability of individuals to purchase products does infringe on their Second Amendment rights. If there were a lawsuit that shut down gun manufacturers, it would directly affect everyone's rights to keep and bear arms.

Senator Whitley said SB 247 does not shut down manufacturers. She asked if the statute created a special type of liability for one industry.

Dr. Hannon declined to respond.

Senator Abbas asked if this statute was repealed and someone shot someone, what theory of liability would someone have against the manufacturer.

Dr. Hannon said he is not attorney but the effect on the industry would be profound.

Senator Carson asked if vaccines have limited liability.

Dr. Hannon said they are given limited liability from adverse vaccine-caused events. He said there is a national fund to pay for injuries related to vaccines.

Sen. Carson said vaccines and guns are given different liabilities. She asked if car dealerships and manufacturers have limited liabilities in their product.

Dr. Hannon said he wasn't sure but was not aware of any specific language.

Jay Simkin said SB 247 would subvert public safety. He referenced his written testimony. He said New Hampshire is one of the safest states in the Union. He said SB 247 seeks to fix a public safety issue that is not happening. He noted other states that have stricter gun control laws also have higher crime rates. He said many New Hampshire firearm-sellers mainly are small businesses.

Senator Chandley asked if he was trying to ascribe motive to Senator Altschiller. Mr. Simkin said he was.

Neutral Information Presented: None.

mjs
Date Hearing Report completed: March 1, 2023

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: Tuesday February 21st, 2023 **Time:** 2:15 p.m.

SB 247 AN ACT repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Name/Representing *(please print neatly)*

	Support	Neutral	Oppose	Speaking?	Yes	No
Jay E. Simkin / Self	☐	☐	☒		☒	☐
Rep. Dave Meuse	☑	☐	☐		☐	☑
Dr Joe Hannon GO-NH Gun Owners of NH	☐	☐	☑		☑	☐
Robert Clegg Pro Gun NH	☐	☐	☑		☐	☑
Rep Timothy Horrigan	☑	☐	☐		☐	☑
Sen. Altschiller	☑	☐	☐		☑	☐
Sen. Fenton	☑	☐	☐		☐	☒
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
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	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐

Senate Judiciary Committee
SIGN-IN SHEET

Date: Tuesday February 21st, 2023 **Time:** 2:15 p.m.

SB 247 AN ACT repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Name/Representing *(please print neatly)*

#1 Zandra Rice Hawkins Granite State Progress	Support ☑	Neutral ☐	Oppose ☐	Speaking?	Yes ☑	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐

Senate Remote Testify

Judiciary Committee Testify List for Bill SB247 on 2023-02-21

Support: 39 Oppose: 12

Name	Title	Representing	Position
Berrio, Simon	A Member of the Public	Myself	Oppose
Barry, Richard	A Member of the Public	Myself	Oppose
Craig, Kevin	A Member of the Public	Myself	Oppose
Pumilia, Anthony	A Member of the Public	Myself	Oppose
Richardson, Daniel	A Member of the Public	Myself	Oppose
Smith, Julie	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Oppose
Hatcher, Phil	A Member of the Public	Myself	Support
Thurber, Simonida	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
MESERVE, BARBARA	A Member of the Public	Myself	Support
Taylor, Gale	A Member of the Public	Myself	Support
Benham, Beth	A Member of the Public	Myself	Support
Laker-Phelps, Gail	A Member of the Public	Myself	Support
Korn, Leonard	A Member of the Public	New Hampshire Medical Society and New Hampshire Psychiatric Society	Support
Taylor, Susan	A Member of the Public	Myself	Support
Jakubowski, Deborah	A Member of the Public	Myself	Support
Cuzzi, David	A Lobbyist	Sig Sauer	Oppose
Lichman, Susan	A Member of the Public	Myself	Support
FRIEDRICH, ED	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
Spencer, Louise	A Member of the Public	Myself	Support
Spencer, Rob	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Support
Allen, Mary Grace	A Member of the Public	Myself	Support
Wikstrom, Kathleen	A Member of the Public	Myself	Oppose
Bishop, Nancy	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
Bartlett, Christy	A Member of the Public	Myself	Support
Bergevin, Leslie	A Member of the Public	Myself	Support
Rundell, Laura	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Lamphier, Regan	An Elected Official	Myself	Support
Ferrantello, Anthony	A Member of the Public	Myself	Oppose
Holtz, Anthony	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Brennan, Arthur	A Member of the Public	Myself	Support
Hinebauch, Melissa	A Member of the Public	Myself	Support
Baker, Deb	A Member of the Public	Myself	Support
Corell, Elizabeth	A Member of the Public	Myself	Support
Holt, David	A Member of the Public	Myself	Support
Blanchard, Sandra	A Member of the Public	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Wilke, Mary	A Member of the Public	Myself	Support
Alleman, Bill	A Member of the Public	Myself	Oppose
Hoell, JR	An Elected Official	Myself, members of the public and the members of NHFC	Oppose
Baucom, Pam	A Member of the Public	Myself	Support

Liberman, Sheryl	A Member of the Public	Myself	Support
Staples, Monica	A Member of the Public	Myself	Support
Almy, Susan	An Elected Official	Myself	Support
Boudman, roberta	A Member of the Public	Myself	Suppo-t

Testimony

SIG SAUER

February 17, 2023

The Honorable Sharon Carson
Chairman, Senate Committee on Judiciary
State House, Room 100
107 N. Main Street
Concord, NH 03301

RE: Opposition to SB 247

Dear Senator Carson:

SIG SAUER strongly opposes SB 247, which would repeal limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

SIG SAUER employs roughly 2,500 people in New Hampshire. Our facility at Pease houses our global corporate headquarters and production manufacturing operations. Our Research and Development and prototype manufacturing teams are located in Exeter, and our renowned SIG SAUER Academy is in Epping. Our Rochester facility supports our military manufacturing operations for the next generation squad weapon and machine gun. In New Hampshire, our company proudly designs, develops and manufactures firearms for the U.S. military and our allies, federal law enforcement agencies, state and local-level law enforcement agencies across New Hampshire and the nation, and law-abiding citizens.

Because others will address the Constitutional concerns raised by SB 247, I'll focus solely on its impact on SIG SAUER, our employees, our customers, and the regional economy. Very simply and candidly, if SB 247 or any similar measure were to become law, our company and the SIG SAUER Academy would be forced to cease operations in New Hampshire and relocate them to another state. Although this may be the goal of the bill's supporters, I suspect neither they, the Committee, or the General Court would support the devastating impact this misguided legislation would bring to our employees and the Seacoast economy. Moreover, I suspect there would be no support for the negative impact to national security and public safety resulting from the closure of the SIG SAUER Academy, which trains military and law enforcement personnel from around the globe.

SIG SAUER respectfully requests the Committee find SB 247 Inexpedient to Legislate. If you have any questions, please contact me, or SIG SAUER's lobbyist, David Cuzzi of Prospect Hill Strategies (603-716-0569). Thank you for your consideration.

Sincerely,

Ron Goslin
Executive Vice President and Chief Operating Officer

Matthew Schelzi

From: Leonard Korn <lenkorn.md@gmail.com>
Sent: Monday, February 20, 2023 8:37 PM
To: Sharon Carson; William Gannon; Shannon Chandley; Becky Whitley; Daryl Abbas; Matthew Schelzi
Subject: SB 247

To the Senate Judiciary Committee:

My name is Leonard Korn. I am a psychiatrist practicing in Portsmouth NH. I represent both the New Hampshire Medical Society and the New Hampshire Psychiatric Society in their public health concerns about gun violence.

Let me state briefly why our medical societies are concerned re SB 247. It is crucially important that any company that produces or sells products in New Hampshire does so with concern that their products are safe and not a danger to the citizens of New Hampshire. We do not excuse other companies from liability concerns regarding their products, and we certainly shouldn't excuse firearm manufacturers from appropriate safety concerns. Firearms are potentially lethal products, and the manufacture of such products should bear the liability if their products are not produced in a safe manner and can be operated safely.

Thank you for your consideration in this matter.

Leonard Korn MD

Office address: 330 Borthwick Ave Suite 111, Portsmouth, NH 03801 Home address: PO Box 858, New Castle, NH 03854

Matthew Schelzi

From: Marissa Chase <mchase@nhaj.org>

Sent: Tuesday, February 21, 2023 3:33 PM
To: Sharon Carson; William Gannon; Daryl Abbas; Becky Whitley; Shannon Chandley
Cc: Matthew Schelzi
Subject: Information only re: SB 247 - limited liability for gun manufacturers
Attachments: the countours of gun industry immunity.pdf

Caution! This message was sent from outside your organization.

Hello Senators,

While NHAJ has not been involved in SB 247 in any way, due to some misinformation at the hearing I want to share the following and attached information:

- The vaccine industry is not wholly immune from liability. In 1986, Congress passed the National Childhood Vaccine Injury Act. An oversight of the Act, including amendments and who qualifies, can be found here. If you have any specific questions about how the program works, I would be happy to connect you with Atty. Heather Menezes at Shaheen & Gordon. She is one of the few lawyers I know of in New Hampshire who practices in this area as it is so specialized.
- The attached article outlines and analyzes existing federal protections for gun manufacturers. The paper argues that "PLCAA permits lawsuits against the gun industry so long as they are based on statutory causes of action rather than common law. While broadly preempting state common law claims, PLCAA affords state legislatures autonomy in deciding how to regulate the gun industry within their borders." The paper will be published in a forthcoming edition of the *Florida Law Review.*

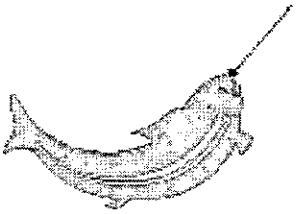
"**Abstract**
In 2005, Congress passed the Protection of Lawful Commerce in Arms Act (PLCAA), granting the firearms industry sweeping immunity from civil lawsuits. However, PLCAA immunity is not absolute. This Article demonstrates that both state and federal courts have fundamentally misread PLCAA when adjudicating cases involving the scope of gun industry immunity. Properly understood, PLCAA permits lawsuits against the gun industry so long as they are based on statutory causes of action rather than common law. While broadly preempting state common law claims, PLCAA affords state legislatures autonomy in deciding how to regulate the gun industry within their borders.

Additionally, this Article addresses unresolved questions concerning constitutional limits on gun industry regulation. PLCAA explicitly strikes a balance between three constitutional principles. It safeguards the individual right to keep and bear arms by protecting the gun industry from civil litigation that would unduly curtail civilian access to firearms. It insists that the separation of powers requires that gun industry regulation should derive from legislation not common law adjudication. It affords state governments autonomy in deciding how to regulate the gun industry, recognizing that there are regional differences in attitudes about

how to best reduce firearms-related violence. We counsel against interpretations of the Second Amendment's application to gun industry regulation that would expand the right to keep and bear arms at the expense of other important constitutional principles such as the separation of powers and federalism."

Thank you,
Marissa

Marissa Chase
Executive Director
New Hampshire Association for Justice
PO Box 1583
Concord, NH 03302-1583 ***please note our new address*
O 603.224.7077 I F 603.224.3256 I C 603.854.9330



JAY EDWARD SIMKIN
SPORTING GOODS & POLICE SUPPLIES
FEDERALLY-LICENSED FIREARMS DEALER

Testimony

SB247 (2:15 p.m.) Room 100, State House

Senate Judiciary Committee

21 February 2023

Senate Bill 247 – if enacted – will subvert public safety. Those, who prefer a high-crime state, should move to Massachusetts. SB247 should be voted "inexpedient to legislate".

Some ideas with great surface appeal have very nasty consequences. One such idea is that "gun control" promotes public safety. At least since 2001, with a single-year exception (2015), New Hampshire has been among the three safest states in the Union, measured by the incidence of violent crime per 100,000 residents (FBI, *Uniform Crime Report*, 2001-20, usually Table 4; See the attached table).

The three safest states are Maine, Vermont and New Hampshire. Effective 15 October 2015, Maine ended licensure for concealed carry of firearms (Public Law 2015, Chapter 327; see: https://www.maine.gov/dps/msp/licenses-permits/concealed-carry-maine). The incidence of violent crime in Maine has since declined. Vermont has never had a license for concealed carry of firearms. Effective 22 February 2017, New Hampshire ended compulsory licensure for concealed carry. (See: https://www.nhsp.dos.nh.gov/our-services/justice-information-bureau/permits-and-licensing/permits-and-licensing-faqs). The incidence of violent crime in New Hampshire has since declined.

Massachusetts maintains its licensure régime. **The incidence of violent crime in Massachusetts has declined since 2001, but remains twice that of New Hampshire and nearly thrice that of Maine. The idea – that "gun control" promotes public safety – is simply wrong.**

Even so, some billionaires embrace "gun control" and spend accordingly. One such is George Soros (see: https://www.opensocietyfoundations.org/george-soros . Michael Bloomberg is another (see: https://www.bloomberg.org/founders-projects/everytown-for-gun-safety/ and https://publichealth.jhu.edu/2022/bloomberg-school-announces-new-johns-hopkins-center-for-gun-violence-solutions). Some of Mr. Bloomberg's minions may be present.

These billionaires – and others equally misguided – will leverage SB247 to launch baseless litigation aimed at bankrupting firearm-makers and -sellers. Mr. Bloomberg, a very smart entrepreneur, knows it costs hundreds of thousands or more to defend against a lawsuit, however meritless. Few of his adversaries are as wealthy. He'll force them to close. That is SB247's goal.

New Hampshire's firearm-sellers mainly are small businesses. Nation-wide data for 2020 show that 46.4% of Federally-licensed firearm retailers were sole proprietors. A further 30.6% were limited liability corporations. (US Department of Justice, *National Firearms Commerce and Trafficking Assessment*; May 2022, Table IO-05, p. 248 of 306). As some 70% of New Hampshire residents live in small towns, these data likely understate small businesses' share in New Hampshire firearms retailing. If enacted, SB247 will decimate these law-abiding business-owners.

I can speak to litigation costs. In 2009, the Commonwealth of Massachusetts revoked my lawfully-obtained and -used Non-resident Temporary License to Carry Firearms (LTC). I infringed no law or any regulation. The LTC was restored to me by a unanimous decision and order of the Massachusetts Supreme Judicial Court (August, 2013). The cost: about $125,000.

SB 247's backers may claim "gun control" saves children's lives. That claim is absurd and provably so. "Gun control" makes genocide a low-risk matter, by disarming the intended victims. That helps a genocidal politician to recruit the thousands needed to commit the murders.

An example: Soviet "gun control" promoted the murders of 1.5 million Soviet Jews: many were kids. On 29-30 September 1941, the Nazis and local helpers murdered 33,000 Jews – many of them children – at Babi Yar, near Kyiv, Ukraine, then in the ex-Soviet Union. Most were shot into a huge ravine. Many not murdered outright suffocated under the weight of corpses. In all of 2020, the U.S. recorded 21,570 murders (FBI, *Crime in the United States - 2020*, Table 1).

These Jews were defenseless because Soviet Russia had "gun control". The new Soviet régime (7 November 1917) imposed "gun control" early-on: "1 April [1918]. ...The certificates authorizing the carrying and keeping of firearms issued by the All-Russian Central Executive Committee, are valid throughout the territory of the Russian Socialist Federative Soviet Republic." *Dekreti Sovetskoy Vlasti (Decrees of Soviet Power)*, Vol. II (17 March - 10 April 1918); Moscow, 1959; Doc. 22, pp. 40-41. Ordinary Soviets likely could not get such a certificate.

Unlike Germany, Ukraine's Jews were not a micro-minority. Jews were 5.4% of 30.9 million Ukrainians (1939 census). *Statesman's Yearbook - 1949*; 86th Ed.; London, p. 1399.

In sum, SB247's backers – who promote criminality – should at once move to Massachusetts. Dazzled by "gun control's" false promise of safe streets, they'll be happier there and still enjoy New England's fine climate. New Hampshire remaining residents – having a moral compass – will be rid of those, who see no difference between the law-abiding and criminals.

Thank You, Madame Chairman and Members of the Committee, for receiving my testimony. I'll be happy to answer any questions related to my testimony.

Jay Edward Simkin
20 Cabot Drive
Nashua, NH 03064
Testimony: Senate Bill 247

Violent Crime	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Connecticut	n.a	181.6	184.6	209.6	229.2	227.7	221.4	238.5	262.2	283.5	275.7	282.0	300.9	306.5	256.0	280.8	272.6	289.0	316.8	311.1	334.6
Maine	n.a	108.6	116.1	112.0	120.6	124.0	129.8	127.6	132.5	122.4	123.3	122.1	119.9	119.1	118.0	115.5	112.5	103.7	108.6	107.8	111.7
Massachusetts	**n.a**	**308.8**	**328.7**	**340.3**	**354.3**	**380.7**	**389.9**	**395.1**	**406.4**	**407.0**	**427.3**	**468.9**	**462.6**	**456.8**	**431.5**	**447.0**	**460.8**	**460.2**	**473.1**	**484.4**	**477.8**
New Hampshire	**n.a**	**146.4**	**158.1**	**177.6**	**195.7**	**199.8**	**202.4**	**197.7**	**223.2**	**215.0**	**217.3**	**167.4**	**160.4**	**160.9**	**137.3**	**138.7**	**134.8**	**169.5**	**150.3**	**161.2**	**170.2**
Rhode Island	n.a	230.8	222.7	219.8	234.2	239.1	243.0	219.9	257.3	253.0	246.1	257.4	254.3	252.1	227.3	227.5	252.4	247.5	285.7	285.3	309.3
Vermont	n.a	173.4	202.2	185.0	173.3	136.5	119.3	102.6	123.6	142.3	147.6	131.0	134.6	137.5	124.3	136.6	125.6	114.8	114.2	106.7	105.1
Virginia	n.a	208.7	209.4	208.0	210.4	219.8	199.6														

Data: Incidence per 100,000 residents.
Notes: Only in 2015, did Virginia replace New Hampshire as the third-safest State.
n.a. = no data available.
Source: Federal Bureau of Investigation, *Crime.in.the.United.States*, 2001-2020, Table 4.

February 21, 2023

Testimony supporting SB 247: repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Senator Debra Altschiller, District 24

Thank you Chairwoman Carson and Honorable Committee members. For the record, I am Senator Debra Altschiller. I represent Senate District 24 which includes the towns of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye & Stratham. I'm here to introduce Senate bill 247; repealing limited liability for manufacturers, distributors, dealers or importers of firearms or ammunition.

From the outset I want to acknowledge the federal Protection of Lawful Commerce in Arms Act (PLCAA)that has been in place since 2005. The unfortunate byproduct of the firearms industry having special protection is the disincentivizing of consumer safety protections and accountability for harm caused by their products.

The PLCAA exemption is not absolute. Some victims of gun violence have found avenues to seek justice and compensation for harms caused by wrongful gun industry conduct, although often after years of long and painful litigation to affirm their right to sue the gun industry under exceptions to state and federal gun industry immunity laws. In recent years, four states (CA, DE, NY, VA) have also enacted victims' access to justice laws that codify standards of responsible conduct for the firearm industry and ensure that more victims of gun violence can bring civil suits seeking justice and fair remedies in court.

Industries held accountable for defects in their products are subject to recall and at present the firearms industry operates under a voluntary notification scheme.

For example, Sig Sauer's P320 has what they are calling "unintended discharge", in lay terms, the gun fires without a trigger pull. Only when word got around through gun enthusiast communities, the company announced a "voluntary upgrade" program in August 2017, allowing P320 owners to ship their guns to the company for a free fix. To find information about this problem requires deep digging through multiple links on the company's website. There was no recall of the 500,000 P320's in circulation.

By comparison, here are a few products that also endangered consumers but do not enjoy the shield of Chapter 508.
This year the cleaning products company, The Laundress, is recalling 8 million units of laundry detergent and has issued a nationwide alert that people with weakened immune systems may be at risk for a bacterial exposure. This happened after 11 reports of skin irritation.

In 2022 the "My Bouncer Little Castle Bounce House" was immediately recalled after one fatal incident where a four-year old boy was found with the hoop of the bounce house around his neck. The hoop became entangled and twisted, constricting the boy's airway, resulting in strangulation and death.

In 2021 two fatalities from the "Bed Assist Handles and Bed Assist Rail" led to a total recall from the Drive DeVilbiss Healthcare Company.

In 2014 General Motors faulty ignition switches that shut down the engines without warning, thus disabling power steering, brakes and airbags, were linked to at least 124 deaths and more than twice as many injuries leading to a recall of 30.4 million cars worldwide.

None of these companies were shielded from accountability to consumers. The legal immunities enjoyed by firearms, firearm parts and ammunition manufacturers have helped to shield this profitable industry from facing basic financial incentives to better protect public health and safety.

The shield from "qualified civil liability action" encourages negligence in the manufacturing, selling, marketing, or importing firearms and related products to identify dangerous patterns. It discourages proactive life saving innovations. It leaves victims of gun violence who are harmed by wrongful firearm industry conduct without any measure of compensation or justice. These legal immunities also provide an unfair business advantage to irresponsible firearm industry members over more responsible competitors who take stronger precautions to protect human life and well-being.

In summary, the safety and well-being of consumers should be the top priority when it comes to manufacturing and distributing dangerous products. Shielding gun and ammunition manufacturers from liability lawsuits puts the public safety at risk and creates an unfair advantage for other companies excluded from the limited liability of Chapter 508. It is important that all are held accountable for harm caused by their products.

Which is why repealing RSA 508:21 is important for New Hampshire consumers. We should be incorporating generally applicable consumer protection laws into firearm industry standards for the sale and marketing of firearm industry products. Let's make NH the next state to take action that allows individuals, local governments and the State to sue irresponsible manufacturers and sellers of firearms for the harm caused by their products. Gun violence is now the leading cause of death among kids and teens in the United States, surpassing car accidents.

Only after a long, painful and protracted series of lawsuits were the families of the children murdered at Sandy Hook Elementary School in Connecticut able to have their civil suit against Remington, maker of the Bushmaster XM15-E2S rifle used by the mass shooter. Their claims that the Bushmaster XM15-E2S was marketed, alleging it targeted younger, at-risk males in advertising and product placement in violent video games. In one of Remington's ads, featuring the rifle against a plain backdrop and the phrase: "Consider Your Man Card Reissued." were finally heard in court. The barriers to accountability need to be lowered.

In 2020 (the most recent year with available data from the CDC), firearms were the number one cause of death for children ages 1-19 in the United States, taking the lives of 4,357 children.

	U.S.
Firearm	1 (4,357)
Motor vehicles	2 (4,112)
Other injuries	3 (3,879)
Congenital disease	4 (3,166)

There is no reason that the gun industry should be the only industry exempt from responsibility for the harm that its products cause, especially when its products are responsible for the deaths of thousands of Americans each year. RSA 508:21 tilts the scales of justice in favor of the corporate gun industry and against victims harmed by their products and practices.

I sincerely hope the committee considers the safety of consumers and the inherent unfairness of this liability shield when coming to a decision about repealing Chapter 508 and recommends Senate bill 247 ought to pass.

Thank you,
Senator Debra Altschiller

Additional informational links:

https://indepthnh.org/wp-content/uploads/2022/02/Order-Granting-SJ-Hardy-et.-al-v.-Chester-Arms-et.-al.-2.pdf

https://www.americanprogress.org/article/frequently-asked-questions-gun-industry-immunity/#:~:text=The%20Protection%20of%20Lawful%20Commerce,industry%20from%20ensuring%20consumer%20safety.

TITLE LII
ACTIONS, PROCESS, AND SERVICE OF PROCESS

CHAPTER 508
LIMITATION OF ACTIONS

Section 508:21

508:21 Liability Limited; Manufacturers, Distributors, Dealers, or Importers of Firearms or Ammunition. –

I. In this section:

(a) " Manufacturer " means:

(1) A person who is engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product.

(2) A seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person.

(3) Any seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(b) " Person " means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(c) " Qualified product " means a firearm or ammunition or a component part of a firearm or ammunition, manufactured in compliance with federal and state law, that has been shipped or transported in intrastate, interstate, or foreign commerce.

(d) " Qualified civil liability action " means a civil action, in law or in equity, brought by any person against a manufacturer or seller or a trade association of a qualified product, for damages resulting from the criminal or unlawful use of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or trade organization convicted of a felony under state or federal law, by a party directly harmed by the felonious conduct.

(e) " Seller " means, with respect to a qualified product, a person who:

(1) In the course of a business conducted for that purpose sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce.

(2) Installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(f) " Trade association " means a federal, state, or local trade association which has one or more members which are manufacturers or sellers of a qualified product.

II. A qualified civil liability action shall not be brought in any state court.

Source. 2003, 267:2, eff. Jan. 1, 2004.

Matthew Schelzi

From: Jay Simkin <jaysimkin@juno.com>
Sent: Thursday, February 23, 2023 10:07 PM
To: Shannon Chandley
Cc: Sharon Carson; William Gannon; Becky Whitley; Daryl Abbas; Matthew Schelzi
Subject: Re: Addendum to Hearing on SB247 (21 February 2023)
Attachments: JS-SB246-ALTSCHILLERBIO.pdf

Caution! This message was sent from outside your organization.

Dear Senator Chandley,

May this find Safe and Well, You - and All with You!!

At Tuesday's hearing on SB 247, You seemed surprised that I called into question Senator Altschiller's motivations for introducing that bill, which provides for the repeal RSA 508:21. That law shields from liability those who make, wholesale and retail firearms.

Removal of this shield will clear the way for litigation, aimed at bankrupting the mainly small firms that in New Hampshire (and most states) retail firearms.

I reasonably believe that Senator Altschiller's views align with those of Michael Bloomberg, a multi-billionaire, well-known for his dislike of firearms. I provided a link to a website: https://www.bloomberg.org/founders-projects/everytown-for-gun-safety/ . On this website's homepage You'll see that Mr. Bloomberg spearheads efforts to uproot Americans' civil right to own firearms.

Senator Altschiller's biography *on her own website* mentions "Moms Demand Action", a Bloomberg-backed group. "I am an active member of the Seacoast Chapter of Moms Demand Action." See: https://www.debraaltschiller.org/about-debra . I attach a .pdf copy of that biography, for your ease of reference.

Thus, my conclusion - that Senator Altschiller backs Mr. Bloomberg's agenda - is based on solid evidence.

Senator Altschiller, in speaking of the SIG320 pistol - a plainly defective product - also was less than thorough. She did not mention that SIG has been sued multiple times in Federal courts. See: https://www.nhpr.org/nh-news/2022-12-02/lawsuit-alleges-20-new-injuries-from-sig-sauer-p32 0-pistol-plaintiffs-claim-fires-without-trigger-pull ; https://www.flyingpenguin.com/?p=43805 ; and https://abc7chicago.com/sig-sauer-lawsuit-p320-pistol-brittney-hilton-accidental-discharge/10974219/ .

These lawsuits suggest that what Senator Altschiller claimed - that firearm-makers, whose products are defective, cannot be sued because of NH RSA 508:21 - simply is NOT SO. As SIG provably can be sued on account of a defective product - and has been sued on that account - I reasonably believe any other firearm-maker may similarly be held accountable.

This means that the *only* reason for the introduction of SB247 is the reason I suggested: to open the door to litigation aimed at shutting-down the vast majority of firearm retailers. Win or lose, the defense costs will bankrupt most firearm firms in New Hampshire and move many others to shut-down, for fear of being ensnared in meritless litigation - including that pertaining to advertising styles - and bankrupted.

Mr. Bloomberg is ranked by Forbes Magazine as the 12th wealthiest person world-wide. See: https://www.forbes.com/profile/michael-bloomberg/?sh=195710e14178 . It should be obvious that he can outspend even large corporations of whatever types, should he chose to do so. He spent $1 billion on his presidential campaign: in four months!! See: https://abcnews.go.com/Politics/mike-bloomberg-spent-billion-month-presidential-campaign-filing/story?id=70252435

I realize that legislators do not usually question a colleague's motivations for introducing (or supporting) a bill. That is as it should be. But as a witness before You, I had (and have) a duty of "candor to the tribunal" akin to that of an attorney vis-a-vis a Court. That duty I did at the 21 February 2023 hearing on SB247.

Senator Altschiller, your colleague, has at least an equal duty. That duty I believe she did not do at last Tuesday's hearing on SB247.

With every warm, best wish - especially that You, and All with You, Should Stay Safe and Well !!!! - I remain,

Yours faithfully,

Jay E. Simkin
FFL & SOT
20 Cabot Drive
Nashua, NH 03064
(603) 883-2612

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 247

Hearing date: 2/21/23

Executive Session date: 3/7/23

Motion of: ITL **Vote:** 3-2

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☑	☐	☑	☐
Sen. Abbas	☐	☑	☑	☐
Sen. Whitley	☐	☐	☐	☑
Sen. Chandley	☐	☐	☐	☑

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. Abbas	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐
Sen. Chandley	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. Abbas	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐
Sen. Chandley	☐	☐	☐	☐

Reported out by: Sen. Gannon

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, March 8, 2023

THE COMMITTEE ON Judiciary

to which was referred **SB 247**

AN ACT repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator Bill Gannon
For the Committee

Matthew Schelzi 271-3266

JUDICIARY

SB 247, repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Inexpedient to Legislate, Vote 3-2.

Senator Bill Gannon for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB247

Docket Abbreviations

Bill Title: repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Official Docket of **SB247.**:

Date	Body	Description
1/24/2023	S	**Introduced** 01/19/2023 and Referred to Judiciary; **SJ 5**
2/15/2023	S	**Hearing:** 02/21/2023, Room 100, SH, 02:15 pm; **SC 11**
3/8/2023	S	Committee Report: Inexpedient to Legislate, 03/16/2023; **SC 13**
3/16/2023	S	Inexpedient to Legislate, **RC** 14Y-10N, MA === BILL KILLED ===; 03/16/2023; **SJ 10**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB247 **Senate Committee:** JUD

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house
___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Matthew Schelzi 8-29-23
Committee Aide **Date**

Senate Clerk's Office AK