

Senate Judiciary Committee

Pete Mulvey 271-4063

AMENDMENT # 2025-1481s, to HB 381-FN, exempting firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

Hearing Date: April 10, 2025

Time Opened: 1:51 p.m.

Time Closed: 2:31 p.m.

Members of the Committee Present: Senators Gannon, Abbas, McConkey, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill exempts firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

Sponsors:

Rep. Belcher

Rep. Corcoran

Rep. Tom Mannion

Rep. Sabourin

Who supports the amendment: 12 individuals signed in support of amendment 2025-1481s. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the amendment: 153 individuals signed in opposition to amendment 2025-1481s. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the amendment: N/A

Summary of testimony:

Senator William Gannon

Senate District 23

- Sen. Gannon introduced the amendment to HB 381-FN alongside Representative Bobby Cox, a State Representative for South Carolina, and the Vice President of Government Affairs for Sig Sauer.
- Sig Sauer is one of the largest employers for New Hampshire's 23rd senate district.
- Sen. Gannon stated that gun manufacturers were targeted in litigious suits regarding product liability for alleged defects.
- The alleged defects surrounding ongoing litigation were in fact absent options and features according to Sen. Gannon.

- The firearms in question did not have intrinsic design flaws according to Sen. Gannon, rather they lacked chamber indicators, safety locks, among other features.

State Representative Bobby Cox

VP, Government Affairs – Sig Sauer

- Rep. Cox actively served as a legislator in the South Carolina House of Representatives.
- Sig Sauer supported service members and law enforcement.
- Attorneys had brought claims against Sig Sauer given that their flagship pistol lacked an external safety switch.
- The proposed amendment touched on product liability and ensured that features, namely chamber indicators and safety switches, could not classify a gun as defective if absent.
- The amendment was essential to codifying that features were optional and that the lack of such did not make a weapon defective.
- 77 cases had been brought forward in New Hampshire, none of which concerned in-state residents according to Rep. Cox.
- Sen. Abbas questioned line 10, regarding future products and pending lawsuits. Sen Abbas asked if the State were permitted to retroactively apply the amendment's provisions in pending cases, given that injury has already occurred if the case is pending.
- Sen. Abbas added that the creation of a new law did not retroactively change a preexisting right of action.
 - Rep. Cox said the intent of the amendment was to stop pending or future cases in New Hampshire.
 - Sen. Gannon said the amendment would concern future cases only, and indicated that he was amenable to changes, nonetheless.
- Sen. Reardon asked why New Hampshire was the chosen forum for Sig's product liability cases.
 - Rep. Cox said it was favorable to bring them cases forward in New Hampshire.
- Sen. Reardon asked if the cases in question were brought up in Federal or State court.
 - Rep. Cox was uncertain
- Sen. Reardon asked if requiring a plaintiff to bring charges where they reside, and not where the defendant resides would resolve the issue.
 - Rep. Cox elaborated that the intent of the amendment was to do exactly that. If an individual wanted to bring a case forward, it ought to be done where they resided.
 - Sen. Gannon speculated that New Hampshire was the chosen venue given that Sig Sauer is headquartered in Newington.
- Sen. Reardon asked if the amendment was limited to weapons sold to law enforcement or military clients.
 - Rep. Cox clarified that it would apply to law enforcement agencies, and private citizens.
- Sen. Reardon asked if permitting the sale of weapons without the aforementioned features to law enforcement and military, but not private citizens, would positively change the legal landscape.
 - Rep. Cox did not believe so given that law enforcement officers typically used their service weapon as their personal side arm.
- Sen. Reardon distinguished between law enforcement and civilians' competency with firearms, suggesting that perhaps features should be reflective of and commensurate with the disparity in adequacy.

- Rep. Cox said it always came back to the individual. Safety features were optional, not mandatory, which was useful for law enforcement and Sig's manufacturing. Rep. Cox clarified that the bulk of Sig's product liability claims came from law enforcement agencies or officers.
- Sen. Altschiller asked Mr. Cox to clarify if he believed that the lawsuits facing Sig Sauer drew upon resources they could invest locally and asked if Sig Sauer was unable to cover its legal bills.
 - Rep. Cox clarified that money not spent on lawsuits could instead go to Research and Design on safety. Resources were finite, and if sent elsewhere, there was a cost.
- Sen. Altschiller asked for clarity on whether or not Sig Sauer was required to retool the product in question to resolve its design defects when the contract with the United States Military was established.
 - Rep. Cox said that anytime a military contract was struck, the product was retooled. That was not unique to Sig Sauer.
- Sen. Altschiller referred to several outstanding cases involving the firearm in question, including wrongful death. Sen. Altschiller asked if Rep. Cox was attempting to limit legal recourse in New Hampshire.
 - Rep. Cox maintained that the gun in question has never been defective, and if it were, he would not work for Sig Sauer. Use and respect of the weapon was critical.
- Sen. Altschiller recognized that Rep. Cox found training to be the underlying issue. Sen. Altschiller referred to Sig Sauer's offer to retool and fix p320s, free of charge. Sen. Altschiller asked if that program was an indication of the product's defects.
 - Rep. Cox maintained that the program referred to by Sen. Altschiller was in fact not a recall but rather an optional upgrade regarding a mechanism which Sig determined could be optimized.
- Sen. Abbas asked if the amendment prohibited product liability cases, or if the amendment delineated the grounds for defective design of a product.
 - Rep. Cox clarified that the amendment delineated what exactly constitutes a product defect or defective design feature.
 - Rep. Cox said a defective pistol case, or wrongful death case could still be brought forward, but an individual couldn't claim that the lack of certain options were grounds for suit.
 - Sen. Gannon clarified that the cases in question were in federal courts and were subject to state law under the diversity of jurisdiction.
- Sen. Altschiller asked Sen. Gannon if there were any other consumer product in New Hampshire that would enjoy the same pending or future product liability absolution.
 - Sen. Gannon said he was unsure.
- Sen. Altschiller asked if the drafted language was made in reference to other products which may have limited product liability.
 - Sen. Gannon said his concern was Sig Sauer, the local business, and what happened to them.
- Sen. Abbas asked if the amendment applied only to the manufacture, or to a merchant as well.
 - Rep. Cox clarified that a merchant, whether it be Walmart or Bass Pro Shops, may still be sued. The ongoing trend was to target the manufacturer, however, merchant protections were a consideration.
- Sen. Reardon asked if the same product liability exemptions would be provided for fireworks manufactures and retailers. Sen. Reardon questioned if the legislature ought to consider matters left to a judge and jury.

- Sen. Gannon clarified that exemptions for defects were not sought for in the amendment. The amendment simply prevented optional features from being considered defects if absent from a product.
- Sen. Reardon asked if there was a benefit to being a defendant in a familiar forum as opposed to traveling nationwide in different venues, with different courts, judges, etc.
 - Sen. Gannon said Sig Sauer did not seek absolution and would continue to hear and litigate defective product claims.
- Sen. Abbas asked if the amendment prevented a hypothetical defective product claim over the absence of a chamber indicator.
- Sen. Reardon added that a court precedent would do the same.
- Sen. Abbas said it would, albeit for the specific firearm as the precedent would be fact specific.
- Sen. Abbas asked if including licensed firearms dealers to line 10 was agreeable.
 - Sen. Gannon replied favorably to the suggestion.
- Sen. Reardon asked if the amendment was strictly limited to the p320 firearm, or any firearm.
 - Rep. Cox said it would be any firearm.
- Sen. Reardon asked if a future product would be sheltered from suit if it lacked the features specified in the amendment.
 - Sen. Gannon stated that the product could still be subject to suit, just not on the grounds that the described features' absence made the product defective.
 - Sen. Gannon indicated that he was amenable to prevent carte blanche protection.
- Sen. Abbas indicated that lines 19-22 covered what Senators Gannon and Reardon contemplated.

PM

Date Hearing Report completed: April 14, 2025