



Senate Committee on Judiciary and Public Safety
Thursday, October 14, 2021

Senate Bill 570

Chairman Wanggaard and committee members,

Thank you for scheduling this hearing. This bill would codify a simple principle, that those who commit a crime are responsible for their crime.

In 2005, this basic liability protection was passed at the federal level through the Protection of Lawful Commerce in Arms Act. This legislation was passed with broad bipartisan support. Senator Herb Kohl, Congressman Ron Kind, and Congressman Dave Obey all voted for the bill.

Unfortunately, 16 years later, it appears this common-sense federal law is under threat from President Biden. If Congress repealed the federal law, it is easy to envision a judge with a desire to restrict 2nd Amendment rights finding for an activist plaintiff in a lawsuit. That's why passing the state-level protections in Senate Bill 570 is so crucial.

We cannot give activist judges the opportunity to restrict the 2nd Amendment by creating a way for them to frivolously bankrupt firearms manufacturers.

Since the passage of the federal in 2005, over 30 other states have passed similar state-level protections. These protections exist in blue states like Washington and red states like Texas. Given the current threats to the federal law, it is time Wisconsin establishes these protections at the state level.

Please support Senate Bill 570

October 4, 2021

RE: Wisconsin Firearm Industry Supports Senate Bill 570

Chairman Wanggaard, Vice-Chair Wimberger,
Members of the Senate Committee on Judiciary and Public Safety,

On behalf of the hundreds of Wisconsin citizens employed by the undersigned companies, we write to urge your support for the Senate Bill 570, otherwise known as the Wisconsin Firearm Industry Protection Act. According to most recent data, the firearm industry in Wisconsin currently generates over 6,500 jobs and had an economic impact on the state of \$1.09 billion in 2020. We are proud to provide products for law-abiding Wisconsin citizens that wish to partake in their Second Amendment rights and hunting heritage. Additionally, our industry plays a vital role in producing critical infrastructure products for law enforcement and military use.

The Wisconsin Firearm Industry Protection Act would defend the Wisconsin firearm industry from politically motivated and frivolous lawsuits by limiting the types of actions that may be brought against firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, and dealers. It would ensure that the Wisconsin firearm industry cannot be held liable when lawfully made and sold products are unlawfully misused by a third party. This legislation would not create blanket immunity for our industry, as there are exceptions for cases like breach of contract, breach of warranty, or product defect.

In the 1990s and early 2000s, many big city mayors conspired with gun control advocates and trial lawyers in an effort to bankrupt the firearm industry by filing frivolous lawsuits when lawful products were unlawfully misused by others. To protect the firearm industry from these lawsuits, many states passed laws like the one that would be created by SB 570. Congress responded as well by implementing the Protection of Lawful Commerce in Arms Act (PLCAA), which was signed into law in 2005. Like SB 570, the PLCAA protects the firearm industry from frivolous lawsuits, but does not create total immunity as it still allows for lawsuits to be filed under circumstances like breach of contract, negligence, and product malfunction. Today, 36 states have liability protections in law to protect the firearm industry from frivolous lawsuits.

Now, the PLCAA is under attack. The Biden administration has repeatedly called for the repeal of the PLCAA since entering office in January of 2021. The Biden platform states that he wants to “Hold gun manufacturers accountable” by prioritizing the repeal of the PLCAA. At a Rose Garden ceremony in April, President Biden went as far as to say “If I get one thing on my list – (if) the Lord came down and said, ‘Joe, you get one of these’ give me that one,” in referencing his goal to repeal the PLCAA.

With the ongoing attack on the PLCAA, it is critical for our industry and those that rely on our products, that Wisconsin become the 37th state to pass a state-level PLCAA. We respectfully urge your support for Senate Bill 570.

continued →

NSSF
The Firearm Industry
Trade Association

Respectfully,

American Defense MFG
New Berlin

AmericanSnipers.org
Green Bay

AMMO, Inc.
Manitowoc

Astrid Defense LLC, USA
Hudson

Black Forest Firearms, LLC
Fontana

Dead Foot Arms LLC
Brooklyn

**Flight & Field Fine
Sporting Arms LLC**
Trevor

H.M. Bohne, Gunsmith LLC
Madison

Henry
Rice Lake

Krieger Barrels, Inc
Richfield

Outlaw Customs
Albany

Ox Firearms
Milton

Stattons General Store, LLC
Harshaw

TNTE Sales Inc
Darien

Trigger Action Sports
Appleton

Vortex Optics
Barneveld

THE WISCONSIN FIREARM INDUSTRY PROTECTION ACT

Senate Bill 570 and Assembly Bill 572

Sponsored by Senator Julian Bradley and Representative Gae Magnafici

SUMMARY

This legislation would protect the Wisconsin firearm industry from politically motivated and frivolous lawsuits by limiting the types of actions that may be brought against firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, and dealers. Specifically, it would prohibit actions brought by a person for “1) recovery of damages resulting from or injunctive relief or abatement of a nuisance relating to the lawful design, manufacture, marketing, or sale of a firearm, firearm accessory, or ammunition or 2) recovery of damages resulting from the criminal or unlawful use of a firearm, firearm accessory, or ammunition by a third party.” This bill would not prohibit actions brought against the firearm industry for “1) breach of contract or warranty concerning firearms, firearms accessories, or ammunition purchased; 2) injunctive relief to enforce a valid statute, rule, or ordinance, except for actions otherwise barred under the bill; or 3) death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product when it is used as intended or in a reasonably foreseeable manner.”

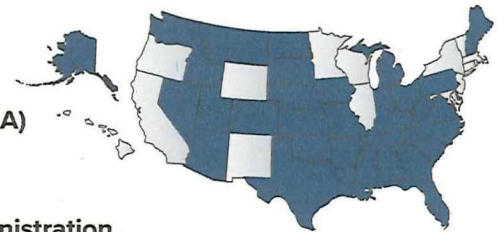
In the 1990s and early 2000s, over [40 big city mayors conspired with gun control advocates and trial lawyers in an effort to bankrupt the firearm industry](#) by filing frivolous lawsuits when lawful products were unlawfully misused by others. Andrew Cuomo, who at the time was serving as Health and Human Services Secretary in the Clinton administration, [said that he hoped to use frivolous lawsuits to bring about “death by a thousand cuts”](#) to the firearm industry. To protect the firearm industry from these lawsuits, many states passed laws like the one that would be created by SB 570/AB 572. Congress responded as well by implementing the Protection of Lawful Commerce in Arms Act (PLCAA), which was signed into law in 2005. Like SB 570/AB 572, the PLCAA protects the firearm industry from frivolous lawsuits, but does not

create total immunity as it still allows for lawsuits to be filed under circumstances like breach of contract, negligence, and product malfunction. Today, [36 states have liability protections](#) in law to protect the firearm industry from frivolous lawsuits.

Now, the PLCAA is under attack. The Biden administration has repeatedly called for the repeal of the PLCAA since entering office in January of 2021. The [Biden platform](#) states that he wants to “Hold gun manufacturers accountable” by prioritizing the repeal of the PLCAA. At a Rose Garden ceremony in April, President Biden went as far [as to say](#) “If I get one thing on my list – (if) the Lord came down and said, ‘Joe, you get one of these’ give me that one,” in referencing his goal to repeal the PLCAA.

KEY MESSAGES

- ③ 36 states have approved liability protections for manufacturers, distributors, and retailers.
- ③ Congress passed the Protection of Lawful Commerce in Arms Act (PLCAA) to protect the firearm industry across the country in 2005.
- ③ President Biden has made the repeal of the PLCAA a priority of his administration.
- ③ With the federal PLCAA under attack, state protections are crucial to ensure the Second Amendment rights of citizens are not eroded by politically-motivated lawsuits.



WISCONSIN FIREARM OWNERS

October 14, 2021

Support for Senate Bill 570/Assembly Bill 572
Senate Committee on Judiciary and Public Safety

Dear Chairman Wanggaard and Committee Members:

Wisconsin Firearms Owners strongly supports Senate Bill 570/Assembly Bill 572 also known as the **Wisconsin Firearm Industry Protection Act**. Anti-gun activists stop at nothing to deprive individuals from exercising their Second Amendment. This includes attempting to bankrupt the firearms industry by relentlessly attacking them with frivolous and politically motivated lawsuits.

It should not be possible to sue a member of the Wisconsin firearms industry when perfectly legal products are unlawfully used by a third party to inflict harm. This principle is obvious when applied in other circumstances. For example, a kitchen knife manufacturer would not be expected to be held liable in every instance where someone uses that knife illegally. To be clear, this legislation *does not create blanket immunity for the firearm industry*. Rather, it prevents frivolous, political lawsuits that do nothing to make our communities safer. Importantly, this bill would still allow for lawsuits to be brought in instances where there is some allegation of a product defect that caused injury or death. At best, the lawsuits that would be prevented by this legislation only enrich lawyers, at worst, they infringe on constitutional rights.

While there is a federal law in place which provides the same protections, it is under direct threat from President Biden and his administration. The Protection of Lawful Commerce in Arms Act was named by President Biden as the “one thing on [his] list” he would repeal if he could only accomplish one reform. Wisconsin must act proactively to protect not only the Second Amendment, but it's hunters, as well as a critical sector of Wisconsin's economy.

Wisconsin Firearms Owners strongly supports this legislation and thanks the authors for their sponsorship. We look forward to the support of this committee. Thank you for your consideration.

Sincerely,

Rob Kavach

President, Wisconsin Firearm Owners

October 14, 2021

Statement to the Senate Committee on Judiciary and Public Safety:

I am submitting written testimony in opposition to SB 570, which is being considered by the committee today.

Nearly every consumer product has a federal regulating agency to prevent unsafe products from going to market. Firearms have no such oversight. Likewise, in most cases, people can use the civil liability of makers and sellers to get justice when unsafe products do make it to market and cause harm. Because no agency regulates guns before they reach the market, courts are the only way to hold the gun industry responsible for hazardous products and dangerous manufacturing, distribution, and sales practices. Already, federal law severely limits this judicial option.

SB 570 would go even further than the federal law to limit the judicial option. It would create an additional barrier for Wisconsinites seeking justice. For example, SB 570 would

- prevent claims based on harmful or careless behavior (e.g., nuisance and negligence claims),
- prevent third party claims if a gun discharges as part of a criminal act, and
- require judges to dismiss cases before the facts are heard.

This bill would essentially make the entire gun industry -- manufacturers, distributors, importers, trade associations, sellers, and dealers of firearms, firearm accessories, and ammunition – immune from lawsuits brought by citizens seeking to hold the industry responsible for its wrongdoings in Wisconsin.

Further, this bill is being sold as a victory for gun owners; yet nothing could be further from the truth since many of those most likely to need to seek redress in the courts are gun owners and their families.

The bottom line is that this bill would go even further to prevent gun violence survivors and victims -- including gun owners -- from recovering damages and seeking justice.

I ask the committee, why? Why is this a priority when both gun suicides and homicides continue to devastate our communities? Why would this legislature pander to an industry that has taken no initiative to prevent gun deaths – gun deaths that are currently reaching numbers that are higher than they ever have been? We need real action from our elected officials to save lives in our state. Instead of limiting civil liability for the gun industry, our legislators must pass lifesaving gun laws that will prevent gun deaths and make Wisconsin safe.

I strongly urge you to reject SB 570.

Thank you for your consideration,

Heidi Rose

Program Director

WAVE Educational Fund

hrose@waveedfund.org

From: james Kedrow <myvoice@oneclickpolitics.com>
Sent: Thursday, October 14, 2021 3:17 PM
To: Sen.Wanggaard
Subject: Please Support SB 584 & SB 570

Re: Please Support SB 584 & SB 570

Dear Senator Wanggaard,

As a fellow Wisconsin resident, I ask you to please support Senate Bills 584 and 570.

SB 584 ensures that I can protect myself and my loved ones while attending religious services. So-called “gun-free zones” simply disarm law-abiding citizens like me and leave us defenseless against criminals who ignore arbitrary boundaries. Decisions involving security should be left for individual places of worship; it is unreasonable for the government to mandate a one-size-fits-all solution.

While federal law currently has the protection offered by SB 570, President Biden has promised to repeal it as a main part of his assault on the Second Amendment. Anti-gun extremists would like nothing better than to impose their gun-ban agenda by bankrupting the firearm industry with frivolous lawsuits against law-abiding businesses for the third party, criminal misuse of their legal products. However, that is as unreasonable as someone attempting to hold automobile makers and dealers responsible for injuries caused by drunk drivers. With SB 570, Wisconsin has a chance to add an additional layer of protection to safeguard our Second Amendment rights.

Sincerely,
james Kedrow
elessar.1956@gmail.co
9921 32nd ave pleasant pr, WI 53158 Constituent

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