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FISCAL IMPACT REPORT

SPONSOR: Aragon DATE TYPED: 2/26/03 HB _____

SHORT TITLE: Firearm Manufacturer & Seller Liability SB 788

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Attorney General's Office (AG)
 LFC Files

SUMMARY

Synopsis of Bill

Senate Bill 788 provides immunity to manufacturers, distributors or sellers of firearms who *lawfully* manufacturer, distribute or sell firearms. The immunity extends to a person, their estate, successors or survivors of a person for any injury, including wrongful death or property damage, due to the use of their firearm by any person. The effective date is July 1, 2003.

Significant Issues

According to the Attorney General this bill poses constitutional issues.

1. Article IV, Section 34 of the **N.M. Constitution** reads: "*No act of the legislature shall affect the right or remedy of either party ... in any case.*" Therefore, a bill that grants this type of immunity limits a citizen's legal remedies and may implicate this clause.
2. The New Mexico Supreme Court has ruled that the right of access to courts to sue can be a protected interest under the due process clause of Article II, Section 18 of the N.M. Constitution. See Trujillo v. City of Albuquerque, 125 NM 721 (1998).

In addition, this bill limits the authority of the state and private citizens to sue manufacturers for actions based in *tort or negligence*. It protects manufacturers from claims made against them for their products.

FISCAL IMPLICATIONS

This bill does not contain an appropriation. However, there would be minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

ADMINISTRATIVE IMPLICATIONS

Any impact on the judiciary or the prosecutors and defenders would be proportional to any litigation arising from this law.

FC/yr