

RESOLUTION NO. 23-05-015

Sponsored by Commissioners Mike Akard and Nick Bright

A RESOLUTION BY THE BLOUNT COUNTY BOARD OF COMMISSIONERS VOICING SUPPORT OF MANUFACTURERS' RIGHTS AND TENNESSEE STATE BILL HB1189 / SB0822, "AN ACT TO AMEND TENNESSEE CODE ANNOTATED, TITLE 8, CHAPTER 6; TITLE 29; TITLE 39 AND TITLE 47, RELATIVE TO QUALIFIED CIVIL LIABILITY ACTIONS."

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, assembled in regular session on this ____ day of _____ 20__:

WHEREAS, lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals; and

WHEREAS, the manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act [26 U.S.C. 5801 et seq.], and the Arms Export Control Act [22 U.S.C. 2751 et seq.]; and

WHEREAS, businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended; and

WHEREAS, the possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States; and

WHEREAS, the liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups and others are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the framers of the Constitution, by Congress, or by the legislatures of the several States. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the liability actions commenced or contemplated by the Federal Government, States, municipalities, private interest groups and others attempt to use the judicial branch to circumvent the Legislative branch of government to regulate interstate and foreign commerce through judgments and judicial decrees thereby threatening the Separation of Powers doctrine and weakening and undermining important principles of federalism, State sovereignty and comity between the sister States; and

WHEREAS, Smith & Wesson, an American firearms manufacturer since 1852, has relocated to Blount County, Tennessee, in order to escape such persecution; and

WHEREAS, the Board of Commissioners of Blount County, Tennessee, stands in support of manufacturers' rights (Ref. Tennessee State bill HB1189 / SB0822, "AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6; Title 29; Title 39 and Title 47, relative to qualified civil liability actions.")

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE BODY OF BLOUNT COUNTY, TENNESSEE, meeting in regular session on this ____ day of _____ 20__, do hereby urge the honorable members of the Tennessee General Assembly and U.S. Congress representing the people of Blount County, Tennessee, to:

1. Prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.
2. Preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.
3. Guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.
4. Prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.
5. Protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.
6. Preserve and protect the Separation of Powers doctrine and important principles of federalism, State sovereignty and comity between sister States.
7. Exercise congressional power under article IV, section 1 (the Full Faith and Credit Clause) of the United States Constitution.

BE IT FURTHER RESOLVED, that copies of this resolution be mailed by the County Clerk to the members of the Tennessee General Assembly representing the people of Blount County, Tennessee.

BE IT FURTHER RESOLVED, that copies of this resolution be mailed by the County Clerk to members of the U.S. Congress representing the people of Blount County, Tennessee.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved _____

Vetoed _____

County Mayor

Date