



North Dakota Association for Justice

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OPPOSE HB 1396

Good morning Chairman Larson and members of the Senate Judiciary Committee, my name is Jaci Hall and I am the Executive Director of the North Dakota Association for Justice. I am here today to urge a DO NOT PASS on HB 1396.

HB1396 is legislation trying to mimic what already exists in federal law, under 15 USC Chapter 105 "Protection of Lawful Commerce in Arms". Currently, there are federal immunity laws that protect 3rd party individuals in the event of a firearm or ammunition injury. If the intent of the legislation is to protect a 3rd party from being sued in mass shootings - then subsection 2 is the only part of the bill that is needed. According to the testimony submitted by the National Shooting Sports Foundation, this is the component of the legislation they are supportive of.

We should not create a separate set of laws in North Dakota that will only complicate an already complicated system. Adding to the complication is the umbrella of immunity for those who manufacture their own rounds and use them for their own purposes. Individuals in this state should not be considered manufacturers because they are not held to the same standard as a commercial manufacturer. No where in HB1396 does it differentiate or define what a manufacturer is.

If I build my own ammunition and my son loads the rifle and it explodes, causing harm to a third party, I should not be immune as a manufacturer because that single act of negligence is on me and my inability to build the ammunition.

Federal laws are already created to protect commercial manufacturers. HB1396 could eliminate the single acts of negligence that cause injury, such as the example above, and should not be allowed under a broad scale immunity.

The second part of HB1396 that is concerning is raising the standard of proof from a preponderance of the evidence (50.1%) to the standard of clear and convincing proof, which is basically a standard reserved for terminating parental rights and other highly important civil cases. Is it the intent of the legislature to subject an injured party to a higher standard of proof when they are injured with a firearm or ammunition?

Lastly, the requirement for the injured party to pay the legal fees of the defendant - literally tying the hands of the court - is a reach for the legislature. The court system should decide these fees, without the overreach of the legislature.

I realize this legislation is trying to protect the 2nd Amendment right of our citizens, but to create broad based immunity for manufactures is not the proper path.



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Currently, North Dakota has no commercial manufacturers in the state so to say this will create commerce is also inaccurate.

Today, I am asking you to vote Do Not Pass on HB1396. The undue consequences of this legislation will not protect someone's 2nd Amendment, but create a path for state law and federal law to become comingled and messy.

If you have any questions or would like additional information, I will be happy to answer any questions.

Thank you,

Jaclyn Hall
North Dakota Association for Justice