



## Establish Pathways to Justice for Victims of Gun Violence

HB 1130 (Rep. Hackney) / SB 5078 (Sen. Pedersen)

No industry should be shielded from being held responsible for the damages their products cause. However, current federal law makes it effectively impossible to bring civil lawsuits against gun manufacturers and dealers. But, while federal law prohibits the kind of lawsuits that could be used to hold the gun industry accountable in federal court, it specifically allows for states to pass their own laws to hold the industry accountable. By making this litigation possible, Washington can ensure a level playing field for responsible industry members, incentivize safe and responsible business practices, and establish a pathway for individuals to seek justice in court for harms caused by the industry.

### The National Landscape:

In 2005, Congress passed the Protection of Lawful Commerce in Arms Act (more commonly referred to as PLCAA), which protects firearms manufacturers and dealers by barring the civil lawsuits that are most often used to hold industries accountable. Because of PLCAA, the gun industry faces no financial incentive structure to act responsibly and it is virtually impossible for survivors of gun violence to seek justice in court for the harms they have suffered.

Establishing common sense measures to hold the gun industry accountable has been successful – since New York became the first state in the nation to pass a gun industry liability law, both individual victims of gun violence<sup>1</sup> and the State Attorney General<sup>2</sup> have utilized civil lawsuits. Last year, the families of nine Sandy Hook school shooting victims settled a lawsuit for \$73 million against Remington, the maker of the AR-15-style rifle used in the massacre.<sup>3</sup> The families successfully argued that Remington marketed their weapons to teenage boys by glorifying militaristic killing and death.<sup>4</sup> Both private citizens and the State can utilize the gun liability law, opening up avenues for recourse and accountability.

### In Other Industries:

Civil litigation has proven to be an effective tool for incentivizing large-scale safety improvements in other industries, including the automotive, tobacco, and pharmaceutical industries.

- Litigation against automotive manufacturers directly led to safety innovations such as seat belts, air bags, and conspicuous brake lights.
- Class-action lawsuits against the tobacco industry prompted a drastic shift in advertising practices and messaging and established a fund to support public health efforts related to smoking abatement.
- More recently, civil litigation against opioid manufacturers and distributors allowed individuals and communities to hold the industry accountable for harms caused by these actors in facilitating the opioid epidemic.<sup>5</sup>

<sup>1</sup> <https://gothamist.com/news/subway-shooting-victim-leans-on-new-ny-law-to-take-glock-to-court>

<sup>2</sup> <https://ag.ny.gov/press-release/2022/attorney-general-james-sues-national-gun-distributors-fueling-gun-violence-crisis>

<sup>3</sup> <https://www.nytimes.com/2022/02/15/nyregion/sandy-hook-families-settlement.html>

<sup>4</sup> <https://daily.jstor.org/american-as-apple-pie/>

<sup>5</sup> <https://www.americanprogress.org/article/frequently-asked-questions-gun-industry-immunity/>