ATTORNEY GENERAL
BOB FERGUSON

WASHINGTON GOVERNOR
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2023 AGO & GOV JOINT AGENCY REQUEST LEGISLATION

Firearm Industry Responsibility and Gun Violence Victims' Access to Justice Act

What's the problem?

In 2002, 17-year-old Lee Boyd Malvo and 41-year-old John Allen Muhammad killed 10 people and wounded three others in Washington, D.C., over several weeks, in what became known as the Beltway sniper attacks. The rifle used in the D.C. shooting came from Tacoma where Malvo stole it from a gun store. An investigation found that not only did the gun store have no idea the weapon had been stolen, but it could not account for hundreds of other weapons it should have had in its inventory. The gun dealer's negligence led to a successful lawsuit against the gun store and the manufacturer that provided $2.5 million to the victims' families. Unfortunately, changes in federal law have shielded the gun industry from liability and barred lawsuits like this one — even when their negligence is provable.

The overwhelming majority of firearm industry members take following the law seriously. Unfortunately, a small minority seek to maximize their profits at the expense of public safety. Members of the firearms industry should not escape liability when they allow guns to end up in the hands of those who they know should not have them. Just like the pharmaceutical industry, the firearms industry should implement common-sense business practices that prevent their dangerous products from being diverted to the black market. And if they market or sell guns irresponsibly, they should be held liable for the impact their products have on society.

The federal Protection of Lawful Commerce in Arms Act (PLCAA) shields gun manufacturers and sellers from liability in some circumstances, but Congress invited states to regulate firearm sales and marketing practices by exempting such state laws from PLCAA.

What are other jurisdictions doing?

Delaware, New York, New Jersey, and California adopted legislation to establish standards and increase accountability for the firearm industry. Courts have upheld laws that fall under the PLCAA exception allowing for state regulation of firearm sales and marketing.[1]

What's the solution?

State and local governments invest significant resources to keep firearms out of the hands of dangerous individuals — it's time for the firearm industry to partner in this effort to protect the public.

This bill requires firearm industry members to establish, implement, and enforce reasonable controls regarding the manufacture, sale, distribution, importing, use, and marketing of the firearm industry member's firearm-related products.

This bill provides access to justice for individuals and family members injured or killed as a result of illegal conduct or negligence by firearms industry members who conduct business in Washington. A violation of this bill is a violation of the Consumer Protection Act. Individuals or the AGO can bring a suit against firearm industry members who violate the law.

Prime Sponsor:
Sen. Pedersen (D-43)

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1: https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/gun-industry-immunity/#:~:text=AB%202571%20(enacted%20and%20effective,actual%20damages%20and%20seek%20other