

103^D CONGRESS
2^D SESSION

H. R. 4001

To provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1994

Mr. REED introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gun Dealer Respon-
5 sibility Act of 1994”.

6 **SEC. 2. CAUSE OF ACTION; FEDERAL JURISDICTION.**

7 Any person suffering bodily injury or death as a re-
8 sult of the discharge of a firearm may bring an action
9 in any United States district court against any dealer who
10 transferred the firearm to any person in violation of chap-

1 ter 44 of title 18, United States Code, for damages and
2 such other relief as the court deems appropriate. In any
3 action under this section, the court shall allow a prevailing
4 plaintiff a reasonable attorney's fee as part of the costs.

5 **SEC. 3. LIABILITY.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b) of this section, the defendant in an action brought
8 under section 2 shall be held liable in tort, without regard
9 to fault or proof of defect, for all direct and consequential
10 damages that arise from bodily injury or death proximately
11 resulting from the illegal sale of a firearm if it is
12 established by a preponderance of the evidence that the
13 defendant transferred the firearm to any person in viola-
14 tion of chapter 44 of title 18, United States Code.

15 (b) DEFENSES.—

16 (1) INJURY WHILE COMMITTING A FELONY.—
17 There shall be no liability under subsection (a) if it
18 is established by a preponderance of the evidence
19 that the plaintiff suffered the injury while committing
20 a crime punishable by imprisonment for a term
21 exceeding 1 year.

22 (2) INJURY BY LAW ENFORCEMENT OFFICER.—
23 There shall be no liability under subsection (a) if it
24 is established by a preponderance of the evidence
25 that the injury was suffered as a result of the dis-

1 charge, by a law enforcement officer in the perform-
2 ance of official duties, of a firearm issued by the
3 United States or any department or agency thereof,
4 or any State or any department, agency, or political
5 subdivision thereof.

6 (3) INJURY BY MEMBER OF THE UNITED
7 STATES ARMED FORCES.—There shall be no liability
8 under subsection (a) if it is established by a prepon-
9 derance of the evidence that the injury was suffered
10 as a result of the discharge, by a member of the
11 Armed Forces of the United States in the perform-
12 ance of military duties, of a firearm issued by the
13 United States or any department or agency thereof.

14 **SEC. 4. NO EFFECT ON OTHER CAUSES OF ACTION.**

15 This Act shall not be construed to limit the scope of
16 any other cause of action available to a person injured as
17 a result of the discharge of a firearm.

18 **SEC. 5. DEFINITIONS.**

19 As used in this Act:

20 (1) DEALER.—The term “dealer” has the
21 meaning given such term in section 921(a)(11) of
22 title 18, United States Code.

23 (2) FIREARM.—The term “firearm” has the
24 meaning given such term in section 921(a)(3) of
25 title 18, United States Code.

1 (3) LAW ENFORCEMENT OFFICER.—The term
2 “law enforcement officer” means any officer, agent,
3 or employee of the United States, or of a State or
4 political subdivision thereof, who is authorized by
5 law to engage in or supervise the prevention, detec-
6 tion, investigation, or prosecution of any violation of
7 law.

8 **SEC. 6. APPLICABILITY.**

9 This Act shall apply to—

10 (1) firearms transferred before, on, or after the
11 date of the enactment of this Act; and

12 (2) bodily injury or death occurring after such
13 date of enactment.

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