

104TH CONGRESS
1ST SESSION

H. R. 174

To provide for the manufacturer, importer, or dealer of a handgun or an assault weapon to be held strictly liable for damages that result from the use of the handgun or assault weapon.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the manufacturer, importer, or dealer of a handgun or an assault weapon to be held strictly liable for damages that result from the use of the handgun or assault weapon.

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 Violence Eco-
5 nomic Equity Act of 1995”.

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

7 (a) IN GENERAL.—Any person suffering bodily injury
8 or death as a result of the discharge of a handgun or an

1 assault weapon may bring an action in any United States
2 district court against any permissible defendant for dam-
3 ages and such other relief as the court deems appropriate.

4 (b) PERMISSIBLE DEFENDANTS.—The following per-
5 sons are permissible defendants in an action brought
6 under subsection (a) with respect to a handgun or an as-
7 sault weapon:

8 (1) Any manufacturer of the handgun or as-
9 sault weapon.

10 (2) Any importer of the handgun or assault
11 weapon.

12 (3) Any dealer who transferred the handgun or
13 assault weapon.

14 **SEC. 3. STRICT LIABILITY.**

15 (a) IN GENERAL.—Each defendant in an action
16 brought under section 2(a) shall be held strictly liable in
17 tort, without regard to fault or proof of defect, for all di-
18 rect and consequential damages that arise from bodily in-
19 jury or death proximately resulting from the discharge of
20 the handgun or assault weapon with respect to which the
21 defendant is a permissible defendant, except as provided
22 in subsection (b) of this section.

23 (b) DEFENSES.—

24 (1) INJURY WHILE COMMITTING A FELONY.—

25 There shall be no liability under subsection (a) if it

1 is established by a preponderance of the evidence
2 that the plaintiff suffered the injury while commit-
3 ting a crime punishable by imprisonment for a term
4 exceeding 1 year.

5 (2) SELF-INFLICTED INJURY.—There shall be
6 no liability under subsection (a) if it is established
7 by a preponderance of the evidence that the plain-
8 tiff's injury was self-inflicted.

9 (3) INJURY BY LAW ENFORCEMENT OFFICER.—
10 There shall be no liability under subsection (a) if it
11 is established by a preponderance of the evidence
12 that the injury was suffered as a result of the dis-
13 charge, by a law enforcement officer in the perform-
14 ance of official duties, of a handgun or assault weap-
15 on issued by the United States or any department
16 or agency thereof, or any State or any department,
17 agency, or political subdivision thereof.

18 (4) INJURY BY MEMBER OF THE UNITED
19 STATES ARMED FORCES.—There shall be no liability
20 under subsection (a) if it is established by a prepon-
21 derance of the evidence that the injury was suffered
22 as a result of the discharge, by a member of the
23 Armed Forces of the United States in the perform-
24 ance of military duties, of a handgun or assault

1 weapon issued by the United States or any depart-
2 ment or agency thereof.

3 (c) **AUTHORITY TO AWARD A REASONABLE ATTOR-**
4 **NEY’S FEE.**—In an action brought under section 2(a), the
5 court may, in its discretion, allow the prevailing party a
6 reasonable attorney’s fee as part of the costs.

7 **SEC. 4. STATUTE OF LIMITATIONS.**

8 An action may not be brought under section 2(a)
9 after the 2-year period that begins with the date the injury
10 described therein is discovered.

11 **SEC. 5. APPLICABILITY.**

12 This Act shall apply only to handguns and assault
13 weapons manufactured in, imported into, or transferred
14 in the United States, after the effective date of this Act.

15 **SEC. 6. NO EFFECT ON OTHER CAUSES OF ACTION.**

16 This Act shall not be construed to limit the scope of
17 any other cause of action available to a person injured as
18 a result of the discharge of a handgun or an assault weap-
19 on.

20 **SEC. 7. DEFINITIONS.**

21 As used in this Act:

22 (1) **HANDGUN.**—The term “handgun” means a
23 firearm which, at the time of manufacture, had a
24 barrel of less than 12 inches in length.

1 (2) ASSAULT WEAPON.—The term “assault
2 weapon” means—

3 (A) a firearm—

4 (i) which—

5 (I) has a barrel of 12 or more
6 inches in length; and

7 (II) is capable of receiving am-
8 munition directly from a large capac-
9 ity ammunition magazine; or

10 (ii) which is—

11 (I) a semiautomatic firearm; and

12 (II) not generally recognized as
13 particularly suitable for, or readily
14 adaptable to, sporting purposes; or

15 (B) a firearm which is substantially func-
16 tionally equivalent to a firearm described by
17 clause (i) or (ii) of subparagraph (A).

18 (3) LARGE CAPACITY AMMUNITION MAGA-
19 ZINE.—The term “large capacity ammunition maga-
20 zine” means a detachable magazine, belt, drum, feed
21 strip, or similar device which has, or which can be
22 readily restored or converted to have, a capacity of
23 15 or more rounds of ammunition.

24 (4) SEMIAUTOMATIC FIREARM.—The term
25 “semiautomatic firearm” means any repeating fire-

1 arm which utilizes a portion of the energy of a firing
2 cartridge to extract the fired cartridge case and
3 chamber the next round, and which requires a sepa-
4 rate pull of the trigger to fire each cartridge.

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

12 (6) OTHER TERMS.—The terms “firearm”,
13 “importer”, “manufacturer”, and “dealer” shall
14 have the meanings given such terms, respectively, in
15 paragraphs (3), (9), (10), and (11) of section 921(a)
16 of title 18, United States Code.

17 **SEC. 8. EFFECTIVE DATE.**

18 This Act shall apply to conduct occurring after the
19 end of the 20-day period that begins with the date of the
20 enactment of this Act.

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