

108TH CONGRESS
1ST SESSION

H. R. 357

To prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

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

A BILL

To prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

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 “Firearms Heritage
5 Protection Act of 2003”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Citizens have a right, under the Second
2 Amendment to the United States Constitution, to
3 keep and bear arms.

4 (2) Lawsuits have been commenced against
5 manufacturers, distributors, dealers, and importers
6 of nondefective firearms, which seek money damages
7 and other relief for the harm caused by the misuse
8 of firearms by third parties, including criminals.

9 (3) The manufacture, importation, possession,
10 sale, and use of firearms and ammunition in the
11 United States is heavily regulated by Federal, State,
12 and local laws. Such Federal laws include the Gun
13 Control Act of 1968, the National Firearms Act,
14 and the Arms Export Control Act.

15 (4) Businesses in the United States that are en-
16 gaged in interstate and foreign commerce through
17 the lawful design, marketing, distribution, manufac-
18 ture, importation, or sale to the public of firearms
19 or ammunition that have been shipped or trans-
20 ported in interstate or foreign commerce are not,
21 and should not be, liable for the harm caused by
22 those who criminally or unlawfully misuse firearm
23 products or ammunition products.

24 (5) The possibility of imposing liability on an
25 entire industry for harm that is the sole responsi-

1 bility of others is an abuse of the legal system,
2 erodes public confidence in our Nation's laws,
3 threatens the diminution of a basic constitutional
4 right, invites the disassembly and destabilization of
5 other industries and economic sectors lawfully com-
6 peting in America's free enterprise system, and con-
7 stitutes an unreasonable burden on interstate and
8 foreign commerce.

9 (6) The liability actions commenced or con-
10 templated by municipalities and cities are based on
11 theories without foundation in hundreds of years of
12 the common law and American jurisprudence. The
13 possible sustaining of these actions by a maverick
14 judicial officer would expand civil liability in a man-
15 ner never contemplated by the Framers of the Con-
16 stitution. The Congress further finds that such an
17 expansion of liability would constitute a deprivation
18 of the rights, privileges, and immunities guaranteed
19 to a citizen of the United States under the Four-
20 teenth Amendment to the United States Constitu-
21 tion.

22 (b) PURPOSES.—The purposes of this Act are as fol-
23 lows:

24 (1) To prohibit causes of action against manu-
25 facturers, distributors, dealers, and importers of

1 firearms or ammunition products for the harm
2 caused by the criminal or unlawful misuse of firearm
3 products or ammunition products by others.

4 (2) To preserve a citizen’s access to a supply of
5 firearms and ammunition for all lawful purposes, in-
6 cluding hunting, self-defense, collecting, and com-
7 petitive or recreational shooting.

8 (3) To guarantee a citizen’s rights, privileges,
9 and immunities, as applied to the States, under the
10 Fourteenth Amendment to the United States Con-
11 stitution, pursuant to section five of that Amend-
12 ment.

13 **SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL**
14 **LIABILITY ACTIONS IN FEDERAL OR STATE**
15 **COURT.**

16 (a) IN GENERAL.—A qualified civil liability action
17 may not be brought in any Federal or State court.

18 (b) DISMISSAL OF PENDING ACTIONS.—A qualified
19 civil liability action that is pending on the date of the en-
20 actment of this Act shall be dismissed immediately by the
21 court in which the action was brought.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) MANUFACTURER.—The term “manufac-
25 turer” means, with respect to a qualified product—

1 (A) a person who is engaged in a business
2 to import, make, produce, create, or assemble a
3 qualified product, and who designs or formu-
4 lates, or has engaged another person to design
5 or formulate, a qualified product;

6 (B) a seller of a qualified product, but only
7 with respect to an aspect of the product that is
8 made or affected when the seller makes, pro-
9 duces, creates, or assembles and designs or for-
10 mulates an aspect of the product made by an-
11 other person; and

12 (C) any seller of a qualified product who
13 represents to a user of a qualified product that
14 the seller is a manufacturer of the qualified
15 product.

16 (2) PERSON.—The term “person” means any
17 individual, corporation, company, association, firm,
18 partnership, society, joint stock company, or any
19 other entity, including any governmental entity.

20 (3) QUALIFIED PRODUCT.—The term “qualified
21 product” means a firearm (as defined in section
22 921(a)(3) of title 18, United States Code) or ammu-
23 nition (as defined in section 921(a)(17) of such
24 title), or a component part of a firearm or ammuni-

1 tion, that has been shipped or transported in inter-
2 state or foreign commerce.

3 (4) QUALIFIED CIVIL LIABILITY ACTION.—The
4 term “qualified civil liability action” means a civil
5 action brought by any person against a manufac-
6 turer or seller of a qualified product, or a trade as-
7 sociation, for damages resulting from the criminal or
8 unlawful misuse of a qualified product by the person
9 or a third party, but shall not include—

10 (A) an action brought against a transferor
11 convicted under section 924(h) of title 18,
12 United States Code, or a comparable or iden-
13 tical State felony law, by a party directly
14 harmed by the conduct of which the transferee
15 is so convicted; or

16 (B) an action brought against a seller for
17 negligent entrustment or negligence per se.

18 (5) SELLER.—The term “seller” means, with
19 respect to a qualified product, a person who—

20 (A) in the course of a business conducted
21 for that purpose sells, distributes, rents, leases,
22 prepares, blends, packages, labels, or otherwise
23 is involved in placing a qualified product in the
24 stream of commerce; or

1 (B) installs, repairs, refurbishes, recondi-
2 tions, or maintains an aspect of a qualified
3 product that is alleged to have resulted in dam-
4 ages.

5 (6) STATE.—The term “State” includes each of
6 the several States of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico, the
8 Virgin Islands, Guam, American Samoa, and the
9 Commonwealth of the Northern Mariana Islands,
10 and any other territory or possession of the United
11 States, and any political subdivision of any such
12 place.

13 (7) TRADE ASSOCIATION.—The term “trade as-
14 sociation” means any association or business organi-
15 zation (whether or not incorporated under Federal
16 or State law) 2 or more members of which are man-
17 ufacturers or sellers of a qualified product.

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