



Written by [Luis Miguel](#) on January 6, 2022

California Proposed Law Would Let Crime Victims Sue Gun Manufacturers

Three lawmakers in California are [introducing legislation](#) that would allow local governments and the victims of gun violence to file lawsuits against gun manufacturers when their products are used to commit crimes.

The legislators said they will take advantage of a loophole found in a 2005 federal law, the Protection of Lawful Commerce in Arms Act, which protects gun makers and dealers from civil liability. The lawmakers argue that legislation contains an exception when manufacturers and sellers break the law.



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“We must make our communities safer. Almost every industry in the United States can be held liable for what their products do, but the gun industry is not held to the same standard,” said Assemblyman Phil Ting (D). “Financial repercussions may finally push them to be more responsible by improving their practices and adhering to California’s strict gun laws.”

Ting’s office maintained his bill would focus on existing state law in California that requires gun makers and dealers to perform background checks and testing on individuals who seek to purchase firearms; ban “assault weapons” and the parts used to make them; enact safeguards against straw purchases and thefts; and require firearm safety devices to be sold along with guns.

Ting’s bill is backed by California Attorney General Rob Bonta (D) and the Brady Campaign, a “gun safety” organization.

The proposal is part of a larger effort, led by Governor Gavin Newsom, to use civil lawsuits to go after the gun industry. In December, Newsom advocated legislation, based on a Texas law that allows private citizens to sue abortionists, that would similarly let Californians sue gun manufacturers.

“So long as the United States Supreme Court has set a precedent which allows private citizens to sue to stop abortions in Texas, California will use that same ability to save lives,” [said](#) Daniel Lopez, press secretary for Newsom. “The administration is working closely with the Legislature on a package of gun measures and will continue to closely monitor these bills as they develop.”

Gun industry groups have vowed to take legal action against the new measures, which they argue violate the Second Amendment rights of individual firearm owners.

“Law-abiding gun owners and businesses are not the cause of criminal misuse of firearms. Yet Newsom and other anti-gun politicians seem to believe the threat of frivolous lawsuits will somehow address their own failures,” the California Rifle and Pistol Association said in a statement after Newsom’s remarks in December.

“As a matter of policy, to try and shift the blame for the criminal misuse of a lawful product that is used far more often to save lives and protect lives than to take them is a terrible idea,” Chuck Michel, a civil



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rights attorney who serves as the organization's president, [said](#).

The new California proposal, which is co-sponsored by Assemblymen Chris Ward (D) and Mike Gipson (D), takes its cue from a law passed in New York last year.

Last month, a group of firearm manufacturers, distributors, and retailers [launched a lawsuit](#) against the New York law.

The law was signed amid a series of mass shootings nationally. It lets firearm sellers, manufacturers, and distributors be sued by the state, cities, or individuals for creating a "public nuisance" that puts the public's health and safety at risk.

New York Attorney General Letitia James promised to defend the law, saying the "gun lobby is trying to exert total control over this country and thwart common-sense efforts to protect lives."

Other bills targeting gun makers are expected to be introduced in the current session of the California legislature, which began in Sacramento this week.

Gipson, who leads the Assembly's Democratic Caucus and represents part of the Los Angeles area, said last month he would introduce a bill to ban so-called ghost guns and "assault weapons." Gipson said his bill, which is also still being drafted, would make it possible for private citizens to sue manufacturers of those products.

"I will not rest until we put an end to senseless gun violence," Gipson said Tuesday. "Part of the solution is focused on how particular guns are manufactured and distributed in California."

If we follow California Democrats' logic, are we going to let people sue the car manufacturers and beer makers when someone is involved in a DUI accident? Are we going to let consumers sue fast-food companies for the medical conditions arising from obesity?



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