

106TH CONGRESS  
1ST SESSION

# S. 1101

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

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IN THE SENATE OF THE UNITED STATES

MAY 20, 1999

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

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## 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 Responsi-  
5 bility Act of 1999”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

11 **SEC. 3. CAUSE OF ACTION; FEDERAL JURISDICTION.**

12          Any person suffering bodily injury as a result of the  
13          discharge of a firearm (or, in the case of a person who  
14          is incapacitated or deceased, any person entitled to bring  
15          an action on behalf of that person or the estate of that  
16          person) may bring an action in any United States district  
17          court against any dealer who transferred the firearm to  
18          any person in violation of chapter 44 of title 18, United  
19          States Code, for damages and such other relief as the  
20          court deems appropriate. In any action under this section,  
21          the court shall allow a prevailing plaintiff a reasonable at-  
22          torney’s fee as part of the costs.

23 **SEC. 4. LIABILITY.**

24          (a) IN GENERAL.—Except as provided in subsection  
25          (b) of this section, the defendant in an action brought

1 under section 3 shall be held liable in tort, without regard  
2 to fault or proof of defect, for all direct and consequential  
3 damages that arise from bodily injury or death proximately  
4 resulting from the illegal sale of a firearm if it is  
5 established by a preponderance of the evidence that the  
6 defendant transferred the firearm to any person in violation  
7 of chapter 44 of title 18, United States Code.

8 (b) DEFENSES.—

9 (1) INJURY WHILE COMMITTING A FELONY.—

10 There shall be no liability under subsection (a) if it  
11 is established by a preponderance of the evidence  
12 that the plaintiff suffered the injury while committing  
13 a crime punishable by imprisonment for a term  
14 exceeding 1 year.

15 (2) INJURY BY LAW ENFORCEMENT OFFICER.—

16 There shall be no liability under subsection (a) if it  
17 is established by a preponderance of the evidence  
18 that the injury was suffered as a result of the discharge,  
19 by a law enforcement officer in the performance of official  
20 duties, of a firearm issued by the United States (or any  
21 department or agency thereof) or any State (or department,  
22 agency, or political subdivision thereof).

1 **SEC. 5. NO EFFECT ON OTHER CAUSES OF ACTION.**

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

5 **SEC. 6. APPLICABILITY.**

6       This Act applies to any—

7           (1) firearm transferred before, on, or after the  
8 date of enactment of this Act; and

9           (2) bodily injury or death occurring after such  
10 date of enactment.

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