ASSEMBLY RESOLUTION No. 33

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman NICHOLAS CHIARAVALLOTI
District 31 (Hudson)
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)

SYNOPSIS

Urges President and Congress to repeal "Protection of Lawful Commerce in Arms Act," which affords civil protections to firearm retailers and dealers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ASSEMBLY RESOLUTION urging the President and Congress to repeal the Protection of Lawful Commerce in Arms Act, Pub. L. 109-92.

WHEREAS, The Protection of Lawful Commerce in Arms Act (PLCAA) was passed by Congress and signed into law on October 26, 2005 by President George W. Bush as Pub. L. 109-92; and

WHEREAS, The PLCAA prevents victims of firearms violence in the United States from successfully suing firearm manufacturers and dealers for negligence, thereby closing another avenue by which victims of gun violence may seek redress; and

WHEREAS, Prior to the enactment of the PLCAA, victims of gun violence in the United States had successfully brought causes of action against firearm manufacturers and dealers for negligence on the grounds that they should have foreseen that their products would be diverted to criminal use; and

WHEREAS, The PLCAA grants enhanced legal protections to irresponsible firearm dealers and retailers who are permitted to profit from the illegal gun market without being held accountable for the victims that are harmed by shootings; and

WHEREAS, Irresponsible gun dealers supply the criminal gun market by either intentionally engaging in or being willfully blind in supplying dangerous people with guns; and

WHEREAS, Certain gun manufacturers are aware that a small percentage of gun dealers supply the majority of guns used in crimes, but these manufacturers choose to profit off of the criminal market rather than take responsible actions to protect the public safety, which includes refusing to supply these dealers with guns; and

WHEREAS, More than 400,000 people are victimized by gun violence in the United States each year and crimes often are committed by dangerous persons who cannot legally purchase or possess firearms, according to the Brady Center to Prevent Gun Violence; and

WHEREAS, The violence enabled by irresponsible gun dealers and manufacturers can manifest as gang violence, domestic violence, hate crimes, or attacks on law enforcement; and

WHEREAS, These irresponsible gun dealers and manufacturers should be held accountable for their actions, which enable criminals to victimize the communities in this State; and

WHEREAS, This House respectfully urges the President and Congress of the United States to repeal the PLCAA and restore the right to hold the gun industry accountable when the negligence of firearm retailers and dealers leads to senseless deaths and violence in our State; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House respectfully urges the President and Congress of the United States to repeal the Protection of Lawful Commerce in Arms Act, Pub. L. 109-92, and restore the right to hold the gun industry accountable for the negligence of firearm retailers and dealers.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the President and Vice President of the United States; the Majority and Minority Leader of the United States Senate; the Speaker and Minority Leader of the United States House of Representatives; and every member of Congress elected from this State.

STATEMENT

This Assembly resolution urges the President and United States Congress to repeal the Protection of Lawful Commerce in Arms Act (PLCAA) and restore the right to hold the gun industry accountable for the negligence of firearm retailers and dealers.

The PLCAA prevents victims of firearms violence in the United States from successfully suing firearm manufacturers and dealers for negligence, thereby closing another avenue by which victims of gun violence may seek redress. Prior to the enactment of the PLCAA, victims of gun violence in the United States had successfully brought causes of action against firearm manufacturers and dealers for negligence on the grounds that they should have foreseen that their products would be diverted to criminal use. These irresponsible gun dealers and manufacturers should be held accountable when their actions enable criminals to victimize the communities in this State.