

SUPPORT: VICTIMS' ACCESS TO JUSTICE LAW-HB 218

THE PROBLEM - LACK OF GUN INDUSTRY ACCOUNTABILITY

Illinois families and communities are repeatedly torn apart by daily gun violence. Irresponsible gun companies engage in unsafe and unlawful marketing and sales practices that fuel the violence that plagues our communities. They make billions yearly, and our children and families are paying the price with their lives.

These irresponsible companies are able to knowingly cause harm because they have broad protections from accountability for the life-shattering consequences and damage their products cause in Illinois.

The Protection of Lawful Commerce in Arms Act (PLCAA) limits legal responsibility for gun manufacturers. The law has an exception where a gun company violates the law, but some courts have interpreted the exception very narrowly, essentially requiring that the law that was broken have the word "firearm" in it. This has effectively exempted the gun industry from the laws that apply to other companies. This has discouraged innovation that could make guns safer, and insulated manufacturers, distributors, and dealers who engage in irresponsible, reckless and negligent sales practices from facing the consequences of their wrongful conduct, and contributes to the flood of illegal firearms in our communities.

At the same time, it has left the victims of those irresponsible practices without legal recourse, denying them the justice that they deserve—justice that would bring change to the gun industry plagued by irresponsible and lawbreaking companies..

\$9 Billion
gun industry revenue
every year
Source: Everytown for Gun Safety

180+
children
died from gun
violence in IL
in 2022

The gun industry is making a killing and Illinois children are paying the price.

#NotInOurHouse [Hold them accountable >](#)

THE SOLUTION - STATE VICTIMS' ACCESS TO JUSTICE LAWS

States began enacting legislation to expand the ability of victims and/or public officials to bring civil lawsuits against firearm industry actors for irresponsible, negligent and illegal conduct. Illinois victims can seek justice through the Consumer Fraud and Deceptive Business Practices Act to hold accountable members of the firearm industry that engage in unsafe and unlawful marketing and sales by:

- Prohibiting advertising and marketing that encourages para-Military or unlawful private militia activity.
- Preventing targeted advertising to minors that encourages use of a firearm in a manner not authorized bylaw, including advertising that uses cartoons, stuffed animals and clothing targeted towards children.
- Ensuring accountability from rogue members of the firearms industry in the same way as opioid manufacturers, tobacco companies, and all other businesses. Like every other business, members of the firearm industry that act irresponsibly, negligently or unlawfully should be held accountable for the harm they have caused by their actions or inactions.

STATES WITH VICTIMS' ACCESS TO JUSTICE LAWS:

New York (enacted and effective on July 6, 2021)
Delaware (enacted and effective on June 30, 2022)
New Jersey (enacted and effective on July 5, 2022)
California (enacted July 12, 2022 and effective on July 1, 2023)
Washington (enacted April 25, 2023 and effective on July 23, 2023)
Hawaii (enacted April 27, 2023 and effective on July 1, 2023)
Colorado (enacted April 28, 2023 and effective on October 1, 2023)



1. Gun industry immunity, May 2, 2023, <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/gun-industry-immunity/>.
2. Repeal gun industry immunity, June 14, 2022, <https://everytownresearch.org/solution/industry-reform/>.