



Legislation Text

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Int. No. 487

By Council Members Moskowitz, Boyland, Comrie, Gerson, Jennings, Koppell, Liu, Lopez, Recchia, Sanders, Weprin, Brewer, Quinn, Reyna, Serrano, Stewart, Dilan and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York in relation to creating a strict liability cause of action against weapons manufacturers.

Be it enacted by the Council as follows:

Section 1. A new section 10-313 is hereby added to chapter three of title ten of the administrative code of the city of New York to read as follows:

§10-313. Cause of Action Against Weapons Manufacturers

a. For the purposes of this section: (1) “weapon” shall mean a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301;

(2) “dealer” shall mean a “dealer in firearms” and a “dealer in rifles and shotguns”, as such terms are defined in section 10-301;

(3) “importer” shall mean any person engaged in the business of importing or bringing weapons into the United States for sale or distribution;

(4) “manufacturer” shall mean any person in business to manufacture or assemble a weapon for sale or distribution.

a. Each manufacturer, importer and/or dealer shall be held strictly liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from bodily injury or death where the bodily injury or death results from the discharge within New York City of any weapon manufactured, imported, distributed, sold, leased or otherwise transferred by the manufacturer, importer and/or dealer.

b. (1) No action may be commenced pursuant to this section by any person who is injured or killed by the discharge of a weapon while such person is committing or attempting to commit a crime (whether or not such crime is actually charged), or while such person is attempting to evade arrest by a law enforcement official. This exemption shall be in the nature of an affirmative defense, and shall be proven by a preponderance of the evidence.

(2) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a weapon by a law enforcement official.

(3) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a weapon.

(4) Nothing in this section shall prevent a manufacturer, importer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

§ 2. This local law shall take effect 60 days after it has been enacted.

TJB
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