

# Attorney General Raoul Leads Coalition Supporting Accountability For Firearms Industry

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CHICAGO - Attorney General Kwame Raoul led a coalition of 18 attorneys general supporting a New York law to hold the firearms industry accountable. In [an amicus brief](#), Raoul and the coalition argue that New York has the authority to protect residents and public safety.

New York enacted its statute to hold gun industry members accountable for the irresponsible sale and marketing of firearms when that conduct results in harm to the public. Under the law, public officials or private citizens can file a lawsuit against a gun industry member when they knowingly or recklessly endanger the safety or health of the public in New York state through the unlawful or unreasonable sale, manufacturing, importing, or marketing of firearms. Gun industry members can also be held liable when they fail to use reasonable controls and procedures to prevent firearms from being unlawfully used or sold in New York state.

“Attorneys general play a key role in protecting residents from unlawful industry practices,” Raoul said. “My office has used its consumer protection powers to hold the tobacco, opioid, and payday loan industries accountable. Our enforcement actions have significantly changed industry behavior to protect Illinois residents. The firearms industry is not exempt from that same accountability, and that is why I filed this brief in support of New York’s law.”

Several members of the firearms industry sued New York, arguing that the statute is preempted by federal law and is unconstitutional. The U.S. District Court for the Northern District of New York dismissed the lawsuit. Raoul and the coalition are now asking the appellate court to affirm the lower court’s ruling, which found that the law is not preempted by the Protection of Lawful Commerce in Arms Act — a federal law that limits civil remedies against gun industry members for harms caused solely by the misconduct of individuals who use firearms. The court also found that the law did not run afoul of either the Dormant Commerce Clause or the Due Process Clause of the U.S. Constitution.

Raoul and the coalition argue that New York’s statute is lawful and benefits the public. As the brief explains, empirical evidence suggests a direct link between the harmful effects of gun violence and the irresponsible actions of gun industry members, such as dealers failing to enact reasonable controls to prevent straw purchasing or manufacturers designing novel marketing schemes to target vulnerable youth. New York’s law serves the important purpose of deterring gun industry members from engaging in irresponsible practices that actively contribute to increasing gun violence and, where necessary, holds those who engage in such tactics accountable for their own actions.

The brief is the most recent step in Attorney General Raoul’s work to address gun violence throughout Illinois and across the nation. The Attorney General’s office created a state-of-the-art crime-gun tracing database for Illinois law enforcement called Crime Gun Connect. Raoul’s office also collaborates with local law enforcement to combat gun trafficking and has used the office’s jurisdiction to prosecute multi-county gun trafficking offenses. Additionally, the Attorney General’s office works with law

enforcement agencies and prosecutors to increase awareness of Illinois' red flag law and to address gaps in Illinois' firearms licensing system. The office also continues to prosecute individuals who lie on FOID card applications.

The Attorney General's office partners with the U.S. Secret Service National Threat Assessment Center (NTAC) to try to avert violence by hosting trainings for law enforcement officers, educators, religious leaders and other community members that are designed to prevent targeted acts of violence.

Attorney General Raoul has persistently advocated at the federal and state levels to strengthen regulation of 3D-printed guns and ghost guns. Illinois law now prohibits ghost guns, but the office continues to fight in federal court to help defend a recent rule closing the federal loophole. Meanwhile, the Attorney General's office also defends cases pending in courts across the state challenging Illinois regulations of firearms. Nationally, Attorney General Raoul successfully filed and resolved a lawsuit to get the federal firearm license of an unscrupulous arms manufacturer revoked.

In addition to supporting law enforcement, the Attorney General's office supports victims service providers around Illinois that offer trauma-informed services for crime victims and their families. Raoul's Crime Victims Services Division administers a host of programs and services to assist survivors of violent crime. More information is available on the Attorney General's [website](#).

Joining Raoul in the filing the brief, are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and Wisconsin.