

Attorney General Raoul: Federal Gun Law Does Not Shield Gun Manufacturers And Dealers From Liability

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CHICAGO - Attorney General Kwame Raoul, as part of a coalition of 17 attorneys general, filed an amicus brief to uphold and preserve state-law remedies for misconduct by gun manufacturers and sellers.

[In the brief](#) to the U.S. Court of Appeals for the First Circuit in the case *Estados Unidos Mexicanos v. Smith & Wesson Brands et al.*, Raoul and the coalition urge the court to recognize that the Protection of Lawful Commerce in Arms Act (PLCAA) creates only a narrow restriction on state-law remedies against the firearms industry. Raoul argues, under PLCAA's plain terms, gun manufacturers and dealers are not exempt from liability when they violate state or federal laws governing the sale and marketing of firearms.

"I am honored to be part of this coalition to ensure gun manufacturers and dealers are held accountable when they violate firearm sale and marketing laws," Raoul said. "I will

continue to support efforts to address reckless and dangerous practices in the firearms industry.

The brief supports the government of Mexico's lawsuit against seven U.S.-based gun manufacturers and a gun distributor alleging that the defendants designed, marketed, distributed, and sold guns in a way they knew appealed to drug cartels and violent gangs in Mexico. The defendants successfully moved to dismiss the case on the theory that Mexico's claims were barred under PLCAA.

Raoul and the coalition argue that when Congress enacted PLCAA, it did so with the intent of striking a balance by exempting gun manufacturers and sellers from liability for harms inflicted solely because of third parties' unlawful conduct, but preserving liability against gun industry members that violate state or federal laws applicable to the sale or marketing of firearms.

Raoul argues the state and federal statutes identified in Mexico's complaint, such as the federal Gun Control Act of 1968, the National Firearms Act of 1934, and state consumer protection laws, are precisely the sort of statutes that the PLCAA says can be enforced.

In submitting the brief, Attorney General Raoul is joined by the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, and Vermont.