



General Assembly

February Session, 2006

Amendment

LCO No. 4882

SB0010504882HRO

Offered by:

REP. DELGOBBO, 70th Dist.

REP. GREENE, 105th Dist.

REP. WILLIAMS, 68th Dist.

REP. D'AMELIO, 71st Dist.

REP. HAMZY, 78th Dist.

To: Subst. Senate Bill No. 105

File No. 372

Cal. No. 416

"AN ACT PROHIBITING THE SALE OF ELECTRONIC DEFENSE WEAPONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) The courts shall hold
4 harmless any person or entity without limitation, from any suits,
5 claims, costs, demands, judgments, liability or other causes of action
6 arising from or related to the use of a firearm or firearm ammunition
7 resulting from the misuse of such person's or entity's products by
8 others, but shall not include:

9 (1) An action brought against a transferor convicted of knowingly
10 transferring a firearm, knowing that such firearm will be used to
11 commit a crime of violence, by a party directly harmed by the conduct

12 of which the transferee is so convicted;

13 (2) An action brought against a seller for negligent entrustment,
14 where the supplying of a qualified product by a seller for use by
15 another person when the seller knows, or should know, the person to
16 whom the product is supplied is likely to, and does, use the product in
17 a manner involving unreasonable risk of physical injury to the person
18 or others, or for negligence per se;

19 (3) An action in which a manufacturer or seller of a qualified
20 product violated a statute applicable to the sale or marketing of the
21 product, and the violation was a proximate cause of the harm for
22 which relief is sought, including: (A) Any case in which the
23 manufacturer or seller knowingly made any false entry in, or failed to
24 make appropriate entry in, any record required to be kept under
25 federal or state law; (B) any case in which the manufacturer or seller
26 aided, abetted or conspired with any person in making any false or
27 fictitious oral or written statement with respect to any fact material to
28 the lawfulness of the sale or other disposition of a qualified product; or
29 (C) any case in which the manufacturer or seller aided, abetted or
30 conspired with any other person to sell or otherwise dispose of a
31 qualified product, knowing, or having reasonable cause to believe, that
32 the actual buyer of the qualified product was prohibited from
33 possessing or receiving a firearm or ammunition;

34 (4) An action for breach of contract or warranty in connection with
35 the purchase of the product; or

36 (5) An action for physical injuries or property damage resulting
37 directly from a defect in design or manufacture of the product, when
38 used as intended or in a manner that is reasonably foreseeable and
39 does not include any criminal or unlawful misuse of a qualified
40 product, other than possessory offenses."