



ATTORNEY GENERAL WILLIAM TONG
STATE OF CONNECTICUT

**Testimony in Support of House Bill No. 7042, *An Act Concerning Implementation of the
Firearm Industry Responsibility Act*
Judiciary Committee
Wednesday, March 12th, 2025**

Preventing gun violence is a top priority for the Office of the Attorney General, and for the citizens of Connecticut. While there is no one solution to the epidemic levels of gun violence experienced in the United States, requiring accountability within the gun industry is a commonsense step we can take to protect the public from bad actors.

If enacted, H.B. 7042 would permit the Office of the Attorney General to bring a civil enforcement action against gun manufacturers, distributors, marketers and retailers who fail to implement reasonable controls in preventing the sale of firearms to straw purchasers, firearm traffickers, individuals prohibited from possessing firearms under state or federal law or individuals the firearm industry member has reasonable cause to believe intend to use it for a crime or to cause harm to themselves or others. The bill also permits private citizens, or corporation counsels on behalf of municipalities, the right to bring suits for loss or injury as a result of a failure to implement those reasonable controls.

This bill will not impact responsible gun owners or responsible industry professionals. It is, rather, intended to provide a civil remedy to hold accountable those who act outside the law, similar to other products liability laws. Further, this bill provides a direct avenue for civil enforcement to proactively hold the firearm industry accountable, on behalf of the State of Connecticut, without waiting for someone to be injured or killed.

The gun industry has enjoyed enormous exemptions from liability and accountability in court since the passage of the 2005 Protection of Lawful Commerce in Arms Act (“PLCAA¹”). This piece of federal legislation provides firearm industry defendants with broad immunity from many common law tort actions. Congress carved out six exceptions to this immunity, pursuant to which firearms sellers may be held liable for third-party crimes committed with their products. Specifically, the “predicate exception” permits civil actions alleging that a manufacturer or seller of a firearm knowingly violated a state or federal statute applicable to the sale or marketing of the firearm, and the violation was a proximate cause of the harm for which relief is sought. By carving out the predicate exception in PLCAA, Congress showed it intended to allow for

¹ 15 U.S.C.S. §§ 7902.



ATTORNEY GENERAL WILLIAM TONG
STATE OF CONNECTICUT

enactment of legislation like HB 7042, which our state’s supreme court specifically found enforceable.²

Here in Connecticut, the families of the victims of the tragedy at Sandy Hook Elementary School opened the door to holding the industry accountable for gun violence by suing Bushmaster for improper marketing and advertising of its firearms under PLCAA’s predicate exception. The Connecticut Supreme Court’s decision in that case also clarified the Attorney General’s authority to bring enforcement actions against the industry under CUTPA.³

Going hand in hand with CUTPA, this bill, if enacted, would bolster the Attorney General’s ability to curb gun violence. The Attorney General would be able to bring civil enforcement actions not just for illegal marketing and advertising of firearms, but for the unreasonable failure to prevent sales to individuals likely to pose a risk to the public and themselves.

By passing this bill, Connecticut would join 9 other states that have stood up to the gun industry.⁴ Beginning with New York in 2021, states began enacting legislation to expand civil remedies to victims and/or public officials to hold the firearm industry accountable for illegal conduct. Challenges to these laws have been uniformly upheld. Specifically, the United States District Court for the Northern District of New York held that, “a review of [PLCAA] as a whole and the legislative history show that a state statute establishing liability for improper sale or marketing of firearms is not an obstacle to any congressional objective of the PLCAA.”⁵ And “Congress clearly intended to allow state statutes which regulate the firearms industry.”⁶

Further, some states are already proactively enforcing their industry accountability statutes. In December 2024, both New Jersey and Minnesota sued Glock for knowingly selling and manufacturing handguns that can easily be converted into machine guns.⁷

² See [Soto v. Bushmaster Firearms Int’l, LLC, 331 Conn. 53, 123 \(2019\)](#). “We must presume that Congress was aware, when it enacted PLCAA, that both the FTC Act and state analogues such as CUTPA have long been among the primary vehicles for litigating claims that sellers of potentially dangerous products such as firearms have marketed those products in an unsafe and unscrupulous manner.

³ Id. at 64.

⁴ CA, CO, DE, HI, IL, MD, NJ, NY, WA.

⁵ Nat’l Shooting Sports Found., Inc. v. James, 604 F. Supp. 3d 48, 61 (N.D.N.Y. 2022)

⁶ Id.

⁷ [Attorney General Platkin Sues Glock for Design and Sale of Guns Switchable to Machine Gun Configuration - New Jersey Office of Attorney General](#), <https://www.njoag.gov/attorney-general-platkin-sues-glock-for-design-and-sale-of-guns-switchable-to-machine-gun-configuration/>



ATTORNEY GENERAL WILLIAM TONG
STATE OF CONNECTICUT

The Office of the Attorney General stands ready to enforce this law to go after improper practices within the firearm industry that threaten the lives and safety of Connecticut residents. Connecticut has long been a national leader for gun safety, and, in honor of our painful history, we should stand up again to hold the firearm industry responsible for their actions. By passing this bill Connecticut will continue to lead and to keep its citizens safe.

For the reasons above, the Office of the Attorney General recommends that the Judiciary Committee favorably report H.B. No. 7042.

For additional information, please contact Nate Kalechman, Director of Legislative Affairs for the Office of the Attorney General at Nathan.Kalechman@ct.gov.