

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Los Angeles and communities across the nation are perpetually held hostage to gun violence. With guns being the most dangerous product on the consumer market, taking over 30,000 lives a year in countless crimes and tragedies, it is time to hold the gun industry responsible for the safety and security of their product; and

WHEREAS, the Protection of Lawful Commerce in Arms Act (P.L. 109-92) (PLCAA) provides the corporate gun industry special protection from civil justice law that no other industry has. Under the PLCAA, gun manufacturers who refuse to install life-saving safety devices on their weapons are immune from liability under basic products liability law, preventing victims from holding manufacturers accountable for not including necessary safety improvements to their products. which Equal Access to Justice for Victims of Gun Violence Act, S. 2469, and H.R. 4399,, is set to repeal; and

WHEREAS, families affected by a lack of gun safety mechanisms are effectively silenced by the PLCAA. The Adames family is one such example. After their 13-year-old son was killed by a friend playing with his father's loaded handgun, the Adames family sued the manufacturer of the gun for failing to install inexpensive safety mechanisms that could have prevented the shooting. Their efforts to hold the gun manufacturer accountable were thwarted because the PLCAA was applied retroactively to deprive the family of their right to seek justice in the courts; and

WHEREAS, the Brady Campaign to Prevent Gun Violence asserts that the PLCAA is unconstitutional by depriving gun violence victims of their right to civil justice, and by allowing the federal government to intervene in state affairs by infringing on the long-standing rights of state courts to determine the duties and obligations that are owed between the people and businesses in that community under the 5<sup>th</sup> and the 10<sup>th</sup> amendment's respectively; and

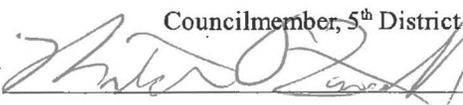
WHEREAS, Congress is set to take up "the Equal Access to Justice for Victims of Gun Violence" (S. 2469 and H.R. 4399) which will repeal the PLCAA.

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 Federal Legislative Program in SUPPORT of the Equal Access to Justice for Victims of Gun Violence Act, S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act, and H.R. 4399, the House companion bill.

PRESENTED BY 

PAUL KORETZ

Councilmember, 5<sup>th</sup> District

SECONDED BY 

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