



COUNCIL OF THE DISTRICT OF COLUMBIA

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WASHINGTON, D.C. 20004

ZACHARY PARKER
COUNCILMEMBER, WARD 5

COMMITTEE MEMBER

Facilities and Family Services
Health
Hospital and Health Equity
Housing
Transportation and the Environment

April 11, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Establishment of Reasonable Controls for the Firearm Industry Amendment Act of 2023. Please find enclosed a signed copy of the legislation, which is co-introduced by Councilmembers Charles Allen, Vincent Gray, Janeese Lewis George, Matthew Frumin, Christina Henderson, Brianne Nadeau, Brooke Pinto, and Robert White, Jr.

The legislation would allow the Office of the Attorney General and District residents to sue firearm industry members for harms caused by the manufacture or sale of a firearm-related product that is abnormally dangerous or likely to create an unreasonable risk of harm to public health and safety in the District. The bill would also permit suits against firearm industry members for harms caused by their failure to implement reasonable controls to prevent firearm trafficking; the loss or theft of firearms; failures to comply with firearm industry obligations to report the sale, transfer, theft, or loss of a firearm; or the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product. By empowering the Office of the Attorney General and private citizens to sue gun industry members for harms caused by a failure to implement these reasonable controls, we can take a meaningful step towards healthy, measured accountability for the ongoing trauma gun violence inflicts on District residents.

I look forward to working with my colleagues on the council to refine and advance this bill as it moves through the legislative process. Please contact my Deputy Chief of Staff, Conor Shaw, at cshaw@dccouncil.gov if you have any questions about this legislation.

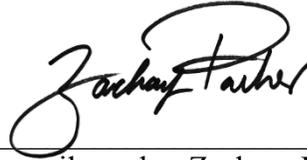
Sincerely,

A handwritten signature in black ink that reads "Zachary Parker".

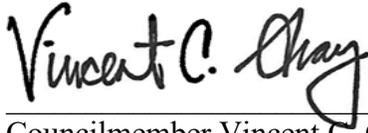
Zachary Parker
Ward 5 Councilmember

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3 Councilmember Brooke Pinto



Councilmember Zachary Parker

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7 Councilmember Vincent C. Gray



Councilmember Charles Allen

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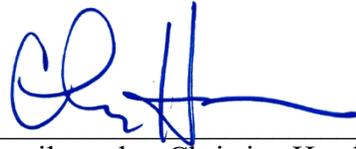
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12 Councilmember Janeese Lewis George



Councilmember Matthew Frumin

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17 Councilmember Brianne K. Nadeau



Councilmember Christina Henderson

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22 Councilmember Robert C. White, Jr.

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26 A BILL

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32 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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37 To amend the Firearms Control Regulations Act of 1975 to establish civil liability for firearm
38 industry members who fail to establish reasonable controls and procedures, sell firearm-
39 related products that are abnormally dangerous and likely to create an unreasonable risk
40 of harm to public health and safety, or engage in certain unfair or deceptive trade
41 practices.
42

43 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
44 act may be cited as the “Establishment of Reasonable Controls for the Firearm Industry
45 Amendment Act of 2023”.

46 Sec. 2. The Firearms Control Regulations Act of 1975 (D.C. Law 1-85; D.C. Official
47 Code § 7-2501.01 *et. seq.*), is amended by adding a new Title XI to read as follows:

48 “Title XI – REASONABLE CONTROLS.

49 “Sec. 1101. Definitions.

50 “For purposes of this title, the term:

51 “(1) “Firearm accessory” means an attachment or device designed or adapted to
52 be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or
53 functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a
54 shooter’s ability to hold and use a firearm.

55 “(2) “Firearm industry member” means a person, firm, corporation, company,
56 partnership, society, joint stock company, or any other entity or association engaged in the
57 manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related
58 products.

59 “(3) “Firearm precursor part” means any forging, casting, printing, extrusion,
60 machined body, or similar article that has reached a stage in manufacture where it may readily be
61 completed, assembled or converted to be used as the frame or receiver of a functional firearm, or
62 that is marketed or sold to the public to become or be used as the frame or receiver of a
63 functional firearm once completed, assembled or converted. Firearm parts that can only be used
64 on antique firearms are not firearm precursor parts.

65 “(4) “Firearm-related product” means a firearm, ammunition, firearm precursor
66 part, firearm accessory, or ghost gun that meets any of the following conditions:

67 (A) The item is sold, made, or distributed in the District of Columbia.

68 (B) The item is intended to be sold or distributed in the District of
69 Columbia.

70 (C) The item is or was possessed in the District of Columbia and it was
71 reasonably foreseeable that the item would be possessed in the District of Columbia.

72 “(5) “Firearm Trafficker” means a person who acquires, transfers, or attempts to
73 acquire or transfer a firearm for purposes of unlawful commerce.

74 “(6) “Ghost Gun” shall have the same meaning as provided section (9)(A)).

75 “(7) “Straw Purchaser” means an individual who conceals, or intends to conceal,
76 from a person that the purchase of a firearm-related product is being made on behalf of a third
77 party. An individual who makes a bona fide gift to a person who is not prohibited by law from
78 possessing or receiving a firearm-related product is not a Straw Purchaser. For the purposes of
79 this title, a gift is not bona fide if the person receiving the firearm-related product has offered or
80 given the purchaser a service or thing of value to acquire the firearm-related product.

81 “Sec. 1102. Obligations of firearm industry members.

82 “(a) A firearm industry member who manufactures, markets, imports, or offers for
83 wholesale or retail sale any firearm related product shall establish, implement, and enforce
84 reasonable controls and procedures, including processes, acts, or practices that are designed,
85 implemented, and enforced to do the following:

86 “(1) Prevent the sale or distribution of a firearm-related product to a straw
87 purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or

88 federal law, or a person who the firearm industry member has reasonable cause to believe is at
89 substantial risk of using a firearm-related product to harm themselves or another or of possessing
90 or using a firearm-related product unlawfully;

91 “(2) Prevent the loss or theft of a firearm-related product from the firearm
92 industry member;

93 “(3) Ensure that the firearm industry member does not sell, distribute, or provide a
94 firearm-related product to a downstream distributor or retailer of firearm-related products that the
95 member has reasonable cause to believe does not enforce reasonable controls and procedures;

96 “(4) Prevent the unlawful manufacture, sale, possession, marketing, or use of a
97 firearm-related product;

98 “(5) Comply with the requirements in this title regarding the sale or transfer of
99 any firearm-related product or other federal or state requirements regarding the sale or transfer of
100 a firearm-related product;

101 “(6) Comply with the requirement in section 208 of this title, or other federal or
102 state requirements to report the theft or loss of any firearm related product; and

103 “(7) Ensure that the firearm industry member complies with D.C. Official Code §
104 28-3901 *et. seq.*

105 “(b) A firearm industry member shall not manufacture, market, import, offer for
106 wholesale sale, or offer for retail sale a firearm-related product that is abnormally dangerous and
107 likely to create an unreasonable risk of harm to public health and safety in the District of
108 Columbia. For the purposes of this title, a firearm-related product is abnormally dangerous and
109 likely to create an unreasonable risk of harm to public health and safety if:

110 “(1) The firearm-related product is:

111 “(A) An assault weapon; or

112 “(B) Has features that render the product most suitable for assaultive
113 purposes instead of lawful self-defense, hunting, or other legitimate sport and recreational
114 activities;

115 “(2) The firearm-related product is designed, sold, or marketed in a manner that
116 foreseeably promotes conversion of legal firearm-related products into illegal firearm-related
117 products; or

118 “(3) The firearm-related product is designed, sold, or marketed in a manner that is
119 targeted at minors or other individuals who are legally prohibited from accessing firearms.

120 “(c) A firearm industry member shall not engage in any conduct related to the sale or
121 marketing of firearm-related products that is in violation of D.C. Official Code § 28–3904(a),
122 (b), (c), (d), (e), (e-1), (f), (f-1), (m), (s), (t), and (u).

123 “Sec. 1103. Enforcement by the Attorney General.

124 “The Attorney General for the District of Columbia may bring a civil action against a
125 firearm industry member who has violated or is threatening to violate section 1102. In an action
126 filed pursuant to this section, a court may award injunctive relief, damages, civil penalties of up
127 to \$25,000 for each violation, attorney’s fees and costs; and any other appropriate relief to
128 enforce compliance and remedy the harm caused by the violation.

129 “Sec. 1104. Private right of action.

130 “Any person, firm, corporation, or association that has suffered an injury in the District of
131 Columbia as a result of a firearm industry member’s knowing violation of section 1102 may
132 bring a civil action to obtain injunctive relief, damages, punitive damages, attorney’s fees and

133 costs, and any other appropriate relief to enforce compliance and remedy the harm caused by the
134 violation.

135 “Sec. 1105. Intervening acts of third parties.

136 “An intervening act by a third party, including, but not limited to, criminal misuse of a
137 firearm-related product, shall not preclude a firearm industry member from liability under title.

138 “Sec. 1106. No effect on other rights.

139 “(a) This title shall not be construed or implied to limit or impair in any way the right of a
140 person or entity to pursue a legal action under any other authority.

141 “(b) This title shall not be construed or implied to limit or supplant in any way an
142 obligation or requirement placed on a firearm industry member by any other authority.”.

143 Sec. 3. Fiscal impact statement.

144 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
145 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
146 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

147 Sec. 4. Effective date.

148 This act shall take effect following approval by the Mayor (or in the event of veto by the
149 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
150 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
151 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
152 Columbia Register.