



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3849

Introduced 02/25/05, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

New Act

Creates the Firearms Accountability Act. Provides that whenever any person intentionally or negligently delivers or causes to be delivered a firearm, firearm ammunition, or silencer to: (1) any person who is not legally authorized to possess that item; (2) a person who is purchasing the item on behalf of another person; or (3) any other person the deliverer knows or has reason to know will use the item unlawfully; the deliverer shall thereafter be civilly liable for the commission of any subsequent tortious conduct that directly or indirectly involves the use, attempted use, or threatened use of the item by any person. Provides that a person bringing an action under the Act may be entitled to recover punitive damages if the conduct of the defendant that gave rise to the cause of action was either intentional, reckless, or grossly negligent. Provides that persons subject to liability under the Act are jointly and severally liable.

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1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Firearms Accountability Act.

6 Section 5. Cause of action. Whenever any person
7 intentionally or negligently delivers or causes to be delivered
8 a firearm, firearm ammunition, or silencer to: (1) any person
9 who is not legally authorized to possess that item; (2) a
10 person who is purchasing the item on behalf of another person;
11 or (3) any other person the deliverer knows or has reason to
12 know will use the item unlawfully; the deliverer shall
13 thereafter be civilly liable for the commission of any
14 subsequent tortious conduct that directly or indirectly
15 involves the use, attempted use, or threatened use of the item
16 by any person.

17 Section 10. Punitive damages. A person bringing an action
18 under this Act may be entitled to recover punitive damages if
19 the conduct of the defendant that gave rise to the cause of
20 action was either intentional, reckless, or grossly negligent.

21 Section 15. Joint and several liability. Persons subject to
22 liability under this Act are jointly and severally liable.

23 Section 20. Stay of proceedings. The prosecuting attorney
24 of any government or governmental subdivision or agency may
25 move for a stay of any proceeding brought under this Act, to
26 include all discovery, pending the completion of an
27 investigation or prosecution of a criminal case related to the
28 subject matter of a suit brought under this Act.

1 Section 25. Other remedies. The remedies provided by this
2 Act are in addition to any other remedies allowed by law.