

1 AN ACT in relation to firearm liability.

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 Firearm Liability Act.

6 Section 5. Definitions. In this Act:

7 "Firearm" has the meaning ascribed to it in Section 1.1
8 of the Firearm Owners Identification Card Act.

9 "Firearm transferor" means a person who sells, transfers,
10 or causes the sale or transfer of a firearm to another
11 person.

12 Section 10. Firearm transferor liability. If it was
13 unlawful at the time of the sale or transfer of a firearm (i)
14 for the firearm transferor to make or cause to be made the
15 sale or transfer of the firearm to another person or (ii) for
16 that other person to purchase, receive, or possess the
17 firearm, then the firearm transferor is strictly liable in a
18 civil action for any death, injury, or damage to property
19 proximately caused by the use of that firearm. Liability
20 under this Act is in addition to any other statutory or
21 common law liability.

22 Section 15. Persons who may bring action and recover
23 damages.

24 (a) A civil action under this Act may be brought and
25 damages may be recovered by the person injured or by the
26 person whose property was damaged by the use of the firearm.
27 If the person entitled to bring an action and recover damages
28 is a minor, the action may be brought and damages recovered
29 on behalf of the minor by the minor's parent or legal

1 guardian or by the guardian of the estate of the minor. If
2 the person entitled to bring an action and recover damages is
3 a disabled person, the action may be brought and damages
4 recovered by the guardian of the estate of the disabled
5 person. If the person entitled to bring an action and
6 recover damages is deceased, but was not killed by the use of
7 the firearm, the action may be brought and damages recovered
8 by the personal representative of the decedent's estate on
9 behalf of the estate.

10 (b) If a person was killed by the use of the firearm, an
11 action may be brought and damages recovered by the personal
12 representative of the decedent's estate, and, except as
13 otherwise provided in this Section, the amount recovered in
14 the action shall be for the exclusive benefit of the
15 surviving spouse and next of kin of the deceased person. The
16 amount recovered in the action shall be distributed by the
17 court in which the cause is heard, or by the circuit court in
18 the case of an agreed settlement, to each of the surviving
19 spouse and next of kin of the deceased person in the
20 proportion, as determined by the court, that the percentage
21 of dependency of each of those persons upon the deceased
22 person bears to the sum of the percentages of dependency of
23 all of those persons upon the deceased person.

24 If the deceased person left no surviving spouse or next
25 of kin entitled to recovery, the damages shall inure to the
26 exclusive benefit of the decedent's estate.

27 Section 20. Recovery of damages. If the trier of fact
28 finds by a preponderance of the evidence that the defendant
29 is strictly liable under this Act, the plaintiff may recover
30 punitive damages in addition to all other lawful damages,
31 court costs, and attorney's fees.

32 Section 25. Civil penalty. If the trier of fact finds

1 that the defendant is strictly liable under this Act and
2 finds that the defendant sold, transferred, or caused the
3 sale or transfer of a firearm in violation of Section 3 of
4 the Firearm Owners Identification Card Act or Section 24-3,
5 24-3.3, 24-3.4, or 24-3A of the Criminal Code of 1961, the
6 court, in addition to any other damages, shall assess a civil
7 penalty of \$10,000 to be paid to the Department of State
8 Police and deposited into the State Police Services Fund.

9 Section 30. Statute of limitations. An action under
10 this Act must be commenced within 5 years after the cause of
11 action accrued.