
DIGEST

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HB 289 Engrossed

2025 Regular Session

Carrier

Abstract: Provides relative to civil liability of firearm and ammunition manufacturers and distributors.

Present law (R.S. 9:2800.60(B)) provides that no firearm manufacturer or seller shall be liable for any injury resulting from any shooting injury by any person unless the injury was the proximate cause of the unreasonably dangerous construction or composition of the product.

Proposed law expands present law to include ammunition manufacturers and distributors of firearms or ammunition.

Present law (R.S. 9:2800.60(C)) provides that no manufacturer or seller of a firearm who has transferred that firearm in compliance with federal and state law shall incur liability for any action of any person who uses the firearm in a manner inconsistent with the intended purpose.

Proposed law includes distributors or sellers of a firearm or ammunition. Additionally, proposed law removes the requirement that the firearm is transferred in compliance with federal law.

Present law (R.S. 9:2800.60(D)) provides that the failure of a manufacturer or seller to insure that a firearm has a device with certain features shall not make the firearm unreasonably dangerous unless such device is required by federal or state statute or regulation.

Proposed law includes distributors of firearms and removes the compliance requirement with federal law.

Present law (R.S. 9:2800.60(E)) provides that the potential of a firearm to cause injury as a result of normal function does not constitute firearm malfunction due to defect in design or manufacture.

Proposed law expands present law to include ammunition.

Present law (R.S. 9:2800.60(F)) provides that no manufacturer or seller of a firearm shall incur liability for failing to warn users of certain risks associated with the use of firearms.

Proposed law expands present law to include distributors and sellers of ammunition.

Present law (R.S. 9:2800.60(G)) does not apply to assault weapons manufactured in violation of 18 U.S.C. §922(v).

Proposed law repeals present law and provides that in any civil action where the court finds that the defendant is not liable, the court shall award all attorney fees, court costs, compensation for loss of income, and expenses incurred as a result of such action.

Present law provides that a governing authority is precluded from bringing suit against any firearm or ammunition manufacturer relating to the lawful design, manufacture, marketing or sale of firearms or ammunition.

Proposed law changes present law to include distributors of firearms or ammunition and removes the requirement that the designs be lawful.

Proposed law provides that if a governing authority violates proposed law, the defendant may be entitled to court costs and attorney fees.

Proposed law provides that the court shall award reasonable attorney fees, court costs, compensation for loss of income, and all expenses to the defendant in any civil action if the court finds that the action was improperly brought.

(Amends R.S. 9:2800.60 and R.S. 40:1799)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove the provision that if a civil action precluded by present law is brought, the defendant may recover all expenses resulting from such action from the entity bringing the action.
2. Make technical changes.