

SENATE No. 1653

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to firearm industry accountability and gun violence victims’ access to justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/29/2025</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>1/30/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/19/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/25/2025</i>

SENATE No. 1653

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1653) of Cynthia Stone Creem, Jason M. Lewis, David Paul Linsky, Christopher Richard Flanagan and other members of the General Court for legislation relative to firearm industry accountability and gun violence victims’ access to justice. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to firearm industry accountability and gun violence victims’ access to justice.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after 110H the following chapter:-

2 CHAPTER 110I.

3 GUN VIOLENCE VICTIMS' ACCESS TO JUSTICE.

4 Section 1. As used in this chapter, the following words shall have the following meanings
5 unless the context clearly requires otherwise:

6 “Firearm industry member”, a person, firm, corporation, or any other entity engaged in
7 the manufacture, distribution, importation, marketing, or wholesale or retail sale of a firearm
8 industry product.

9 “Firearm industry product”, a product that meets any of the following conditions: (i) the
10 product was sold, made, distributed, or marketed in the commonwealth; (ii) the product was

11 intended to be sold, made, distributed, or marketed in the commonwealth; or (iii) the product was
12 used or possessed in the commonwealth, and it was reasonably foreseeable that the product
13 would be used or possessed in the commonwealth.

14 “Firearm trafficker”, a person who acquires, transfers, or attempts to acquire or transfer a
15 firearm industry product for the unlawful use of another or for resale to or giving to another in
16 violation of the laws of the commonwealth or of federal law.

17 “Product”, any of the following: (i) a firearm; (ii) ammunition; (iii) a completed or
18 unfinished frame or receiver; (iv) a firearm component or magazine; (v) a device that is designed
19 or adapted to be inserted into, affixed onto, or used in conjunction with a firearm, if the device is
20 marketed or sold to the public, or reasonably designed or intended, to be used to increase a
21 firearm’s rate of fire, concealability, magazine capacity, or destructive capacity, or to increase
22 the firearm’s stability and handling when the firearm is repeatedly fired; or (vi) any machine or
23 device that is marketed or sold to the public, or reasonably designed or intended, to be used to
24 manufacture or produce a firearm or any other firearm industry product listed in this paragraph.

25 “Reasonable controls”, reasonable procedures, safeguards, and business practices that are
26 designed to do all of the following: (1) prevent the sale or distribution of a firearm industry
27 product to: (i) a straw purchaser or firearm trafficker; (ii) a person who is prohibited from
28 possessing the firearm industry product under Massachusetts or federal law; or (iii) a person the
29 firearm industry member has reasonable cause to believe is at substantial risk of using a firearm
30 industry product to harm themselves or unlawfully harm another, or of otherwise unlawfully
31 possessing or using a firearm industry product; (2) prevent the loss or theft of a firearm industry
32 product from a firearm industry member; (3) ensure the firearm industry member does not

33 promote or facilitate the unlawful manufacture, sale, possession, marketing, or use of a firearm
34 industry product; or (4) ensure the firearm industry member complies with all provisions of
35 Massachusetts and federal law.

36 “Straw purchaser”, an individual who purchases or obtains a firearm on behalf of a third
37 party. This term does not apply to an individual obtaining a firearm as a bona fide gift to a person
38 who is not prohibited by law from possessing or receiving a firearm. For the purposes of this
39 paragraph, a gift is not a bona fide gift if the transferee has offered or given the transferor a
40 service or thing of value to acquire the firearm on the transferee’s behalf.

41 “Unfinished frame or receiver”, any forging, casting, printing, extrusion, machined body
42 or similar article that has reached a stage in manufacture where it may readily be completed,
43 assembled or converted to be used as the frame or receiver of a functional firearm, or that is
44 marketed or sold to the public to become or be used as the frame or receiver of a functional
45 firearm once completed, assembled, or converted.

46 Section 2. (a) A firearm industry member shall: (1) establish and implement reasonable
47 controls regarding the manufacture, distribution, importation, marketing, and sale of firearm
48 industry products; and (2) take reasonable precautions to ensure the firearm industry member
49 does not sell or distribute a firearm industry product to a downstream distributor or retailer of
50 firearm industry products that fails to establish and implement reasonable controls.

51 (b) A firearm industry member shall not manufacture, distribute, import, market, offer for
52 wholesale, or offer for retail sale a firearm industry product that is: (1) designed, sold, or
53 marketed in a manner that foreseeably promotes conversion of legal firearm industry products
54 into illegal firearm industry products; or (2) designed, sold, or marketed in a manner that is

55 targeted at minors or individuals who are legally prohibited from purchasing or possessing
56 firearms; (3) prohibited under the laws of the commonwealth or under federal law.

57 (c) A firearm industry member shall comply with the provisions of all of the following
58 when engaged in the manufacture, distribution, importation, marketing, or wholesale or retail
59 sale of a firearm industry product: (1) the Massachusetts Antitrust Act, Sections 1 to 14A,
60 inclusive, of Chapter 93; (2) the Regulation of Business Practice and Consumer Protection Act,
61 Chapter 93A; (3) sections 91 and 92 of Chapter 266; and (4) sections 10 to 12, inclusive, of
62 Chapter 269.

63 Section 3. (a) A person or entity who has suffered harm as a result of a firearm industry
64 member's acts or omissions in violation of any provision of section 2 may bring a civil action
65 under this section in a court of competent jurisdiction.

66 (b) The attorney general, or the attorney general's designee, may bring a civil action in a
67 court of competent jurisdiction to enforce this chapter and remedy harms caused by any acts or
68 omissions in violation of any provision of section 2.

69 (c) In an action brought under this section, if the court determines that a firearm industry
70 member engaged in conduct in violation of Section 2, the court shall award just and appropriate
71 relief, including any or all of the following: (1) injunctive relief sufficient to prevent the firearm
72 industry member and any other defendant from further violating the law; (2) compensatory and
73 punitive damages; (3) reasonable attorney's fees, filing fees, and reasonable costs of action; and
74 (4) any other just and appropriate relief necessary to enforce this chapter and remedy the harm
75 caused by the violation.

76 (d) In an action brought under this section: (1) an intervening act by a third party,
77 including but not limited to the unlawful misuse of a firearm industry product, shall not preclude
78 a firearm industry member from liability for harms caused by the firearm industry member's
79 violation of any provision of section 2, provided that the violation created a reasonably
80 foreseeable risk that the harm would occur.

81 (e) An action under this chapter may be commenced within 5 years from the date that the
82 violation occurred or the harm was incurred.

83 (f) A civil action brought under this section may be brought in: (1) the county in which
84 all or a substantial part of the events or omissions giving rise to the claim occurred; (2) the
85 county of residence of any natural person defendant at the time the cause of action accrued; (3)
86 the county of the principal office in this state of any defendant that is not a natural person; or (4)
87 the county of residence for the plaintiff if the plaintiff is a natural person residing in this
88 commonwealth.

89 Section 4. (a) Nothing in this chapter shall be construed or implied to limit or impair in
90 any way the right of the attorney general, or any person or entity, to pursue a legal action under
91 any other law, cause of action, tort theory, or other authority.

92 (b) Nothing in this chapter shall be construed or implied to limit or impair in any way an
93 obligation or requirement placed on a firearm industry member by any other authority.

94 Section 5. If any provision of this chapter, any part of this chapter, any clause within this
95 chapter, any combination of words within this chapter, or the application of any provision or part
96 or clause or combination of words of this chapter to any person or circumstance, is for any
97 reason held to be invalid or unconstitutional, the remaining provisions, clauses, words, or

98 applications of provisions, clauses, or words shall not be affected, but shall remain in full force
99 and effect, and to this end the provisions of this chapter are severable.