

118TH CONGRESS
1ST SESSION

H. R. 3993

To provide a private right of action against the maker of any component of a ghost gun, and any person who facilitated a sale of the ghost gun, for injury or death resulting from the use of the ghost gun.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. TORRES of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide a private right of action against the maker of any component of a ghost gun, and any person who facilitated a sale of the ghost gun, for injury or death resulting from the use of the ghost gun.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PRIVATE RIGHT OF ACTION.**

4 (a) IN GENERAL.—An individual who is injured, and
5 any member of the family of an individual who is killed,
6 by use of a ghost gun in or affecting interstate or foreign
7 commerce, and the State and the political subdivision of
8 the State in which the injury or death occurs, may bring

1 an action in the United States district court for the judi-
2 cial district in which the injury or death occurs against
3 the maker of any component of the ghost gun or any per-
4 son who facilitated any sale of the ghost gun, for damages
5 resulting from the injury or death. The court may award
6 a plaintiff prevailing in such an action such damages, in-
7 cluding consequential damages, as the court deems appro-
8 priate.

9 (b) AFFIRMATIVE DEFENSES.—In an action brought
10 under subsection (a), it shall be an affirmative defense
11 that the injury or death was caused by conduct of—

12 (1) an individual in defense against a reason-
13 ably perceived imminent threat to the safety of an
14 individual not engaged in a violation of criminal law;
15 or

16 (2) a law enforcement officer in response to a
17 reasonably perceived imminent threat to public safe-
18 ty.

19 (c) DEFINITIONS.—In this section:

20 (1) GHOST GUN.—The term “ghost gun” means
21 a firearm that lacks a unique serial number en-
22 graved or cast on the frame or receiver of the fire-
23 arm by a licensed manufacturer or licensed importer
24 in accordance with section 923(i) of title 18, United
25 States Code, and includes any combination of parts

1 designed or intended to be assembled, or to be used
2 in converting a device, into a firearm.

3 (2) OTHER TERMS.—The terms “firearm”, “li-
4 censed manufacturer”, and “licensed importer” have
5 the meanings given the terms, respectively, in sec-
6 tion 921(a) of title 18, United States Code.

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