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**GOVERNOR DAVIS SIGNS LANDMARK LEGISLATION  
REPEALING UNFAIR IMMUNITY FOR GUN MAKERS**

Legal Community Against Violence Applauds California Legislature for Its Leadership  
in Gun Violence Prevention

**SACRAMENTO, CA** -- California Governor Gray Davis signed legislation today to repeal a law that has provided special immunity to the gun industry. That legislation, AB 496/SB 682 (Koretz/Perata), was introduced in response to a ruling by the California Supreme Court last year in *Merrill v. Navegar*, an action brought against the maker of the TEC-DC9 assault weapons used in the infamous 101 California Street massacre. That shooting, which took place in a San Francisco law firm and other offices, left nine dead and five wounded.

In the *Merrill* decision, the Supreme Court held that California law immunized the gun maker from the plaintiffs' negligence claims, despite evidence showing that the company had marketed its assault weapons to criminals. In 1999, the Court of Appeal had allowed the suit to go forward, finding that criminal use of the TEC-DC9 was foreseeable in light of the company's advertising, which boasted that the surface had "excellent resistance to fingerprints" and highlighted other features that would be of primary interest to criminals.

Notwithstanding this finding, the Supreme Court reversed the Court of Appeal decision, holding that an immunity statute adopted by the Legislature in 1983 provided a complete defense to the claim. Supreme Court Justice Werdegar dissented from the opinion and invited the Legislature to repeal the statute, stating that "until such action is taken, gun makers, including makers of assault weapons, will apparently enjoy absolute immunity from the consequences of their negligent marketing decisions."

Sue Ann Schiff, Executive Director of Legal Community Against Violence, an organization founded by lawyers in the aftermath of the 101 California Street shooting, applauded the Legislature for responding to this invitation. "We commend the Legislature for repealing the unfair legal protection gun manufacturers have enjoyed for

almost 20 years. Victims of gun violence will now have their day in court when irresponsible gun makers market their weapons to criminals.” Ms. Schiff observed that the new law will not impose liability on gun makers simply because their products were used to harm someone, noting that “Gun manufacturers will merely have to abide by the same product liability rules that apply to every other industry.” Ms. Schiff stated that the legislation is also significant because it is contrary to the nationwide trend of states adopting legislation to protect gun makers. “Once again, California has demonstrated that it is a leader in the field of gun violence prevention.”

Legal Community Against Violence supported the passage of AB 496 and SB 682 and collaborated with the Educational Fund to Stop Gun Violence on Justice for Gun Victims, a joint campaign to educate Californians about the need for legislative reform in this area.

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Legal Community Against Violence (LCAV) is a gun violence prevention organization, staffed principally by lawyers, dedicated to making the complex legal and policy issues surrounding firearms regulations accessible to local communities. LCAV launched its national project, the Firearms Law Center, to educate communities throughout the country about the legal context of firearms policy reform. The Firearms Law Center web site, [www.firearmslawcenter.org](http://www.firearmslawcenter.org), provides in-depth information on local, state and federal firearms laws, and allows the user to submit requests for assistance pertaining to firearms law and policy.