Good afternoon Chairman Coley, Vice Chair Huffman and members of the Senate Government Oversight and Reform Committee. Thank you for allowing myself and my colleague Senator Lehner to give sponsor testimony on Senate Bill 184, which establishes a legal process for temporarily removing firearms from the possession of people who are displaying signs of being a danger to themselves or others, known commonly as “red flag” legislation or extreme risk protection orders.

Under the bill, a petitioner would give a civil court an affidavit, made under oath, stating the specific statements, actions, or facts that give rise to the reasonable fear of imminent dangerous acts by the other party. Courts could grant an emergency ex parte extreme risk protection order, lasting up to 14 days. Within 14 days, a full hearing with both parties must be scheduled.

At that hearing, a family member or law enforcement officer or agency could seek a protection order that lasts up to one year. The order would give at-risk individuals time to recover and limit their access to weapons while tensions deescalate.

To directly address a common concern: the red flag legislation we have introduced protects individuals’ right to due process. The petitioner must prove that the person is an imminent danger to themselves or others. And a person who knowingly makes a false claim to obtain an extreme risk protection order would be guilty of a misdemeanor of the third degree. The gun owner has an opportunity to make their case at a full hearing. And a judge ultimately determines the length of the order –up to one year.

Many have talked about red flag bills in the context of preventing mass shootings, which is important. But, most often, guns were removed from people not seen as threats to large groups, but as risks to themselves or their families including those suffering from debilitating illnesses such as Alzheimer’s or alcoholism.

Every year, over 22,000 Americans die by firearm suicide, including over 1,000 children and teens.[[1]](#footnote-1) Firearm suicide accounts for nearly two-thirds of gun deaths in the United States. While nine out of ten suicide attempts with a gun result in death, most people who attempt suicide by other means live – and do not eventually die by suicide. Family and household members are often the first to see the signs of danger but are left without legal recourse to effectively intervene. This bill remedies this issue by providing family members, household members and law enforcements the right to obtain the court order.

A study in 2016 led by researchers at Duke University concluded that Connecticut’s red flag law, implemented in 1999, appeared to have prevented some suicides. The state saw a 14 percent reduction in the states firearm suicide rate.[[2]](#footnote-2) This bill would reduce the risk of tragedy in an unstable situation.

In addition to aiding in the prevention of suicides, this legislation would also help reduce the likelihood of another mass shooting. In June of 2018, the FBI published “A Study of the Pre-Attack Behaviors of Active Shooters in the United States”. This report found that the average shooter displayed four to five observable and concerning behaviors over time, often related to the shooters mental health, problematic interpersonal interaction or other signs of violent intentions. [[3]](#footnote-3)

Due to the overwhelming number of tragedies our country has experienced as a result of gun violence, we’ve seen increased interest in red flag laws and rightfully so. In 2017, the most recent year for which complete data is available, 39,773 people died from gun-related injuries in the U.S., according to the CDC. [[4]](#footnote-4) The recent shooting in Dayton, Ohio is a reminder that firearms should not be placed in the hands of those who are capable of creating atrocities.

Red flag laws across the country are passing with bipartisan support. To date, seventeen states and Washington D.C. have implemented red flag laws, and several other states have introduced red flag legislation since last spring.

On the federal level, two red flag bills have been introduced – one by Senators Marco Rubio (R-Florida) and Bill Nelson (D-Florida) and another from Senators Richard Blumenthal (D-Connecticut) and Lindsey Graham (R-South Carolina). Senator Rubio, following the Parkland shooting, told a Miami news station that state laws such as red flag legislation could have helped prevent the recent tragedy, and is included in his plan to address gun violence.

Not only legislators, but gun rights advocates, law enforcement and even some individuals who have been served ERPOs have indicated their approval of these laws.

Law enforcement officials who support red flag laws say that they allow the authorities to step in before something catastrophic occurs. The removals are temporary and firearms and ammunition are returned to people no longer deemed dangerous.

With a wide range of individuals and groups supporting red flag laws, it is apparent that this bill has the potential to create consensus and garner bipartisan support. This is a common-sense measure to tackle gun violence while still protecting people’s Second Amendment rights.

We cannot wait for the next gun related death or mass shooting to begin addressing this crisis that has devastated far too many families and communities across our state and around the country. How many more lives have to be lost to gun violence, before we as a legislature take action?

Thank you again for the opportunity to provide testimony on Senate Bill 184 and at this time we would be happy to answer any questions you may have.

1. Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. <https://www.cdc.gov/injury/wisqars/> [↑](#footnote-ref-1)
2. Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981-2015. *Psychiatric Services*. 2018; 69(8): 855-862 <https://www.ncbi.nlm.nih.gov/pubmed/29852823> [↑](#footnote-ref-2)
3. <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view> [↑](#footnote-ref-3)
4. <https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf> [↑](#footnote-ref-4)