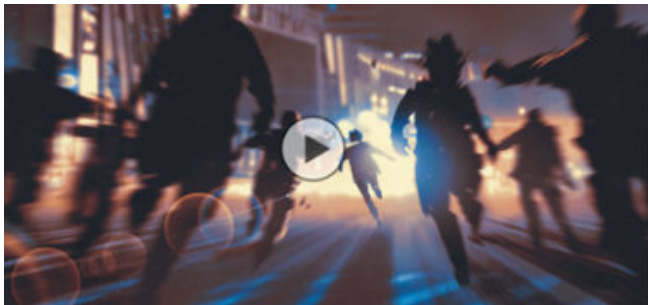


# What ‘Red Flag’ Gun Laws Are And How They Work

*To prevent the past nightmares of mass shootings from repeating, the red flag gun laws were enacted.*

States were given a free hand to make their own laws, citizens are empowered to police their own ranks and to report any suspicious people who are in crisis. The judge will decide on the report and issue an extreme risk protection order (ERPO), local law enforcement will confiscate firearms and ammunition and keep custody for a certain period of time.



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## What are Red Flag Gun Laws?

In the aftermath of the deadly shootings in El Paso, Texas, and Dayton, Ohio, Americans clamored for gun restrictions. Along with other [US gun laws](#) proposals, such as the “Universal Gun-Buyer Background Checks” there was a call to enact “Red Flag Gun Laws.”

Red flag gun laws are state laws that allow a judge to order the police to temporarily confiscate firearms and ammunition from people deemed to pose a danger to themselves and to others. Friends, relatives, law enforcement, and medical professionals can request for the order concerned about the acts of a suspicious person of interest.



If the judge finds the request to be valid he can issue an order requiring the gun owner to turn over all firearms and ammunition to the police for a specified period of time. Further, the person of interest is banned from buying and selling firearms during that period.

Failure to comply with a red flag order is a criminal offense punishable by jail time or a fine. The period of time of the seized guns can be extended depending on the court's discretion.

Here is some evidence required by the court for a gun confiscation order:

- The recent demonstration of violence with or without a gun.
- Sign of severe mental illness.
- History of abusive behavior at home.
- Careless use of a gun.
- Proof of substance misuse or liquor abuse
- Sworn declaration by witnesses.

The red flag laws vary from state-to-state.

# Which States Have theses Laws?

As of August 2019, 17 states and the District of Columbia enacted the red flag laws. The states of Michigan, Ohio, Pennsylvania, and North Carolina are considering red flag legislation. Here is a list of red flag states:

| STATE                                      | REQUESTOR                                                                                 |
|--------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>California</b>                          | Family, household members, and law enforcement                                            |
| <b>Colorado(effective January 1, 2020)</b> | Family, household members, and law enforcement                                            |
| <b>Connecticut</b>                         | One state attorney or any two-state police officers                                       |
| <b>Delaware</b>                            | Family, household members, and law enforcement                                            |
| <b>District of Columbia</b>                | Family, household members, mental health professionals, and law enforcement               |
| <b>Florida</b>                             | Law enforcement only                                                                      |
| <b>Hawaii (effective January 1, 2020)</b>  | Family, household members, teachers, medical professional, coworkers, and law enforcement |
| <b>Illinois</b>                            | Family, household members, and law enforcement                                            |
| <b>Indiana</b>                             | Law enforcement only                                                                      |
| <b>Maryland</b>                            | Family, household members, certain health professionals, and law enforcement              |
| <b>Massachusetts</b>                       | Family, household members, and law enforcement                                            |
| <b>Nevada (effective January 1, 2020)</b>  | Family, household members, and law enforcement                                            |

|                     |                                                                  |
|---------------------|------------------------------------------------------------------|
| <b>New Jersey</b>   | Family, household members, and law enforcement                   |
| <b>New York</b>     | Family, household members, educators, and law enforcement        |
| <b>Oregon</b>       | Family, household members, and law enforcement                   |
| <b>Rhode Island</b> | Law enforcement only                                             |
| <b>Vermont</b>      | State attorneys or the office of the state attorney general only |
| <b>Washington</b>   | Family, household members, and law enforcement                   |

Prior to the shooting at Stoneman Douglas High School in Parkland, Florida on February 14, 2018, with 17 dead only five states had ratified red flag laws namely California. Connecticut, Indianan, Oregon, and Washington the rest followed suit afterward.

## Are Red Flag Laws Effective?

[Gun ownership prohibitions for misdemeanors](#) is a vital tool to take the firearm from people who should not have them. Protection orders allow people who notice suspicious people acting dangerously to take concrete steps to disarm them.

It's difficult to measure the effectiveness of the red flag laws because of a congressional amendment from the '90s prohibiting federal agencies from studying gun violence. There is no evidence about what works since no one can actually say how many killings were avoided

However, there was a surge in reports of suspected dangerous persons and requests for the confiscation of firearms after the mass shootings

According to a study in Psychiatric Services, the gun-related suicides in Connecticut and Indiana fell by 13.7% and 7.5%

respectively after the red flag law was legislated.

A woman from Campbell, California reported her husband to the Campbell Police Department after texting her mentioning a recent sniper attack in Dallas. Police served the gun violence restraining order at his workplace and seized seven weapons.

A woman from Randolph, Massachusetts filed an extreme risk protection order (ERP0) against a Marine Corps Veteran who assaulted her with a pattern of self-harm, violence towards others and objects. Police confiscated handguns and 10 semi-automatic rifles.

The federal law prohibits people from owning a gun if they have been convicted of certain crimes, mental impairment, and have been convicted of domestic violence. But, there are people who manifest signs of danger that don't meet these criteria they can own a gun and shoot people.

There is no way to show the effectiveness of the red flag law but there hasn't been any mass shooting since 2018. There were reports that came in trickles that could have prevented a gun crime from happening which favors the law.

One thing is for sure it is not 100% effective. Legislators should enact laws to fill the gaps and empower the citizens more since they have first-hand information on the goings-on in their community.

## **Reasons to Oppose Red Flag Guns Laws**

Laws performing without any gap can be only in the perfect world. In the world we actually live, state-level experiments with "red flag" laws should let all Americans break before

handing over this kind of power to Washington D.C.

The bedrock of citizens of the US legal system is all citizens' guarantee to "due process" until the government violates any of their legal rights. Red flag laws around the US bypass or even trample due process. The goals of the proposed gun seizure orders are frequently unaware that such orders have been issued, or even petitioned. Defendants oftentimes are unable to show up at a hearing or cross-examine witnesses.



This is not just a violation of fundamental procedural rights; it ended up with tragic circumstances. Police arriving without announcement at a gun owner's home demanding that he turns over his weapons can bring to tragedy.

In jurisdictions where laws related to red flags have been aggressively enforced, officials say the measures have likely avoided domestic killings, workplace shootings, and some suicides.

Some attorneys think that having this powerful tool gives the communities the ability to interrupt and avoid some tragedies from happening, where more than 300-gun violence restraining orders have been issued in less than 2 years.

In many cases with binary support, 17 states and Washington D.C. have run through “red flag laws” that permit the court-ordered removal of guns from people who are supposed to be dangerous. The back-to-back shootings that killed more than 30 people last year in Ohio and Texas have given new impulse to suggestions under consideration in several other states and to a plan in Congress to grant money to states that accept such arrangements.

Research on the effectiveness of some laws is limited because most of them are new. Researches made last year show that the 2 states with the longest-standing laws, Indiana and Connecticut, could have had 500 fewer gun suicides over a decade as a result of the measures. One more investigation says that Connecticut, which adopted its law in 1999 after a mass shooting at the state lottery office, avoided one suicide for every 10 – 20 people subjected to gun confiscation.

The orders have been used to protect people from “all walks of life,” including employees, students, parents, children, and intimate partners. Those disarmed by red flag orders include a man who made disturbing statements about guns and immigrants, a man who made online threats of a mass shooting at a gay bar, and a man who told a family member he was going to kill Muslims. To grant a final order under California’s law, a judge must find the testimony that the person poses “significant danger.”

Critics of the red flag law say they can result in the confiscation of guns from law-abiding citizens based on thin pretensions of danger or exaggerated and false declarations. Some law enforcement leaders dispute that they infringe on

constitutional rights and will create an expensive new mandate to store guns, whereas many police chiefs have publicly supported red flag laws. And the death of a person who was killed by officers serving a license to take his weapons away under Maryland's new law (in 2018) highlighted the danger the encounters can create.

In conclusion, the law permitting police to confiscate firearms from people they considered dangerous found circumstances closely correlated to respondents' presence at the hearing. This is worrying. It offers that the result of red flag laws may be to disarm not dangerous people, but simply the less privileged – those who cannot manage to take off work or who miss the means to hire good attorneys.



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