

## Red Flag Law Under Consideration in Colorado

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After the Parkland School massacre in Florida, people in Colorado and other states have been seeking passage of “Red Flag” laws. These laws would allow judges to remove guns from individuals who are at extreme risk of harming themselves or others. A judge could write an extreme risk protection order that would permit removal of weapons from the homes of individuals at risk of suicide or violence. Five states have passed such laws and at least 18 others are considering it.

In Colorado Governor Hickenlooper has said he would support a “Red Flag” law with civil rights protections and asked the General Assembly to draft a bill. At a recent gubernatorial candidate’s meeting held by Mental Health Colorado, all nine candidates approved of a “Red Flag” law in Colorado.

According to Andrew Romanoff of Mental Health Colorado a “red Flag” law with appropriate funding would make it harder for people who pose a danger to themselves or others to get guns, and easier for them to get treatment. While homicides draw more attention, about 60 percent of gun deaths in the U.S. are suicides and the numbers are even higher in Colorado. Importantly, most people with mental illness are not violent; they are far more likely to be victims of crime than perpetrators.

### ***What do red flag laws do?***

Current federal and state gun control laws are mainly focused on preventing those who have been involuntarily committed to a mental hospital or declared incompetent by a court from **purchasing** firearms. States are encouraged (but not required) to share these records with the the National Instant Criminal Background check system.

We all know the existing system does not prevent all who are deemed mentally ill from purchasing firearms at a licensed gun shop. Even someone displaying warning signs of violent behavior is free to purchase and possess firearms if they’ve not yet committed a crime or come into contact with the state mental health system.

According to Margaret Hartmann of NY Magazine, red flag laws aim to fix this by giving family members and law enforcement officers the ability to petition the court to temporarily seize the firearms of someone believed to be at risk. If a judge is convinced that the person poses a danger, they can quickly order them to surrender their firearms. Within a few weeks, the court holds a full hearing on whether the restrictions should be dropped or extended for up a year. The gun owner has opportunities to petition to have their weapons returned.

While child abuse laws **require** teachers, family members or others who are closest to children or a suspected perpetrator to report the behavior to police, red flag laws provide an **avenue** for reporting by friends, family or teachers who are closest to an individual who exhibits behavior which is uncontrolled or violent. Margaret Hartmann believes these laws would “empower the people who have the most to lose, and .... place accountability on the lowest possible level of government: the local judges who consistently and regularly adjudicate similar claims in the context of family and criminal law.”

David French, in the National Review, argues these laws strike the right balance between protecting public safety and respecting due process and Second Amendment rights.

While red flag laws would only be a **very** small step toward curtailing gun violence in the U.S., advocates believe this is a “common-sense gun law” that could actually gain significant bipartisan support to protect people who are at significant risk of hurting themselves or others.

Here in Colorado the legislature has yet to release a specific bill. Governor Hickenlooper has promised to sign one if it reaches his desk before the legislative session ends. If no action is taken, the governor has said he would consider executive action on the issue.

#### **Sources:**

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- David French. *A Gun Control Measure Conservatives Should Consider*. **National Review**. 2/16/18.