

Maine gun safety COALITION

Testimony in Support of L.D. 1811 of the Maine Gun Safety Coalition by its Executive Director, Geoff Bickford.

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The Maine Gun Safety Coalition supports L.D. 1811. We appreciate that Governor Mills, the Sportsmen's Alliance of Maine, and the supporters of this bill recognize what the gun violence prevention movement has been advocating for years - that there is a time and a place for reasonable restrictions on firearm ownership and possession, and that one such time is when an individual is suffering from some form crisis in their life that renders themselves a danger to themselves or others.

L.D. 1811 would be a dramatic step forward for gun safety in Maine, and we are confident that it will save lives. The laws of this state have been bereft of any meaningful restriction on access to firearms by those who should absolutely not be able to possess them on a temporary or permanent basis, and we are confident that this is the first step towards a future with more commonsense gun safety measures that, like this bill, protect the community while leaving Second Amendment rights unencumbered.

That said, we want to make very clear that this bill is not a substitute for L.D. 1312, Senator Millett's Red Flag bill. Although L.D. 1811 takes a significant portion of the text of L.D. 1312 in fashioning its post-firearm seizure procedure, it is different in several crucial respects. Most prominently, this bill does not afford family members a direct route to petition a neutral court for an order temporarily restricting access to firearms. Research and evaluation from the 18 states, and counting, that currently have Red Flag bills shows that they are effective at saving lives, and in empowering families to protect their loved ones without having them also detained and held against their will by law enforcement. We see no reason to deviate from what has statistically and anecdotally been proven to be effective.

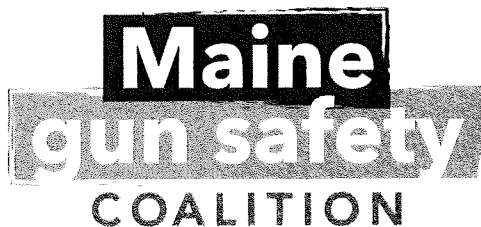
To that end, there is no reason that this Legislature should not strongly consider both bills. This is not an either/or situation. Both bills can become law, both can complement each other, and work in tandem to save lives. Making both bills law would simply provide families the option of calling the police, or going to court, to seek help for a loved one. Both would potentially result in a 14-day order restraining the respondent's access to firearms. Both would allow for a fuller court hearing in 14 days, where the parties would be represented by counsel. Both would allow for access to treatment for the person in need. We simply ask that you provide family members with the option they think best fits their situation. If the goal is to save lives, then why foreclose an avenue to do so? That is antithetical to the care and concern shown by the text of L.D. 1811.

Finally, the Maine Gun Safety Coalition has submitted two amendments to those involved with the drafting of this bill, and we urge the committee to consider them, and add them to the final language of the bill before considering whether L.D. 1811 should be sent to the Senate for further consideration. The first amendment simply squares the language of the bill as it pertains to the definition of 3862-A(1)(G), the “likelihood of serious harm” to self or others. As the bill is drafted, it only allows for the police to take someone into protective custody based on a finding that the person is exhibiting signs of some form of mental illness, but once delivered to a medical facility, the medical provider would only examine for signs of likelihood of serious harm, as defined in 1811 itself. This is not only internally incongruent, it is also unnecessarily stigmatizing to those not suffering from a mental illness, which is far and away the majority of the population who exhibit signs of harm to self or others. The purpose of this bill is to address those in some form of temporary crisis who may harm themselves or others; it is not aimed at those who are diagnosable mentally ill. Thus, our first amendment would simply allow police to take someone into protective custody if they either a. show signs of mental illness or, b. exhibit behavior that meets the definition of harm to self or others set out by the text of L.D. 1811 itself.

The second amendment would allow a juvenile to be accompanied by a family member, or, even if the child rejects that option, allow the parent or guardian to elect to accompany their minor child nevertheless. This will ensure that any child who is a subject of these proceedings is not alone for what may be a traumatic time in their life, even when the end goal of the process is ensure their safety.

Finally, the reference in the bill to Section 393 of Title 15 is confusing. It would prohibit a gun owner who is subject to an order requiring guns to be removed from the home, from continuing to own those guns. We do not believe that is the intention of the supporters.

With these amendments, the bill is fairer, and more accurately addresses the population it seeks to help. We urge you to adopt these two amendments and vote ought to pass as a good first step towards making all Mainers safer through common sense gun safety legislation.



Proposed Amendments to L.D. 1811, submitted by the Maine Gun Safety Coalition by its Executive Director, Geoff Bickford.

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First:

In Section 2, change the first sentence to "A law enforcement officer shall present to a medical practitioner for evaluation as person taken into protective custody pursuant to Title 34-B, section 3862, or for whom the law enforcement officer has probable cause to believe to presents a likelihood of serious harm to themselves or others, as defined by §3862-A(1)(G)."

Second: to Section 2, add:

2a. Right to Accompaniment or to Accompany to Medical Practitioner:

1. If in the event that a law enforcement officer has probable cause to believe that a juvenile meets the standard for protective custody as defined in Section 1, above, the juvenile may elect to be accompanied to the medical practitioner by a parent, guardian, grandparent, aunt, uncle, or sibling who has obtained the age of 18.
2. In the event the juvenile does not elect to request to be accompanied by a parent or guardian, a parent or guardian may nevertheless elect to escort the juvenile. For purposes of this section, "Juvenile" has the same definition as Title 15, §3003(14).