



# MAINE CHIEFS OF POLICE ASSOCIATION

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## Statement in opposition to

### **L.D. 2283, An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public**

#### **Joint Standing Committee on Judiciary**

**April 5, 2024**

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and the interim President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Association in opposition to LD 2283.

The Mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

The law enforcement community has worked hard to implement the substantial threats law and proposals being considered by our current legislature will strengthen our ability to enforce the law. We question how the language within LD 2283 lines up with language in the substantial threats law. Within the protection from substantial threats law, dangerous weapons include any device designed as a weapon or intended to be used as an instrument capable of producing death or serious bodily injury, including firearms. Should this bill move forward, all that good work would be unraveled.

Access and treatment for mental health conditions must be at the forefront of any legislation that aims to prevent gun violence, and we must rely of the expertise of our mental health professionals to help determine the likelihood of whether a person poses a serious threat to themselves or others. Unfortunately, this legislation has no involvement by mental health professionals in assessing this risk prior to removing firearms from the person in question.

We also have a series of concerns and questions regarding the storage of relinquished firearms. Under LD 2283, a respondent who is required to relinquish a firearm in the respondent's possession, custody or control shall immediately relinquish the firearm to a law enforcement

agency or a federally licensed firearm dealer. Are federally licensed firearms dealers required to store these firearms regardless of their storage capacity? Additionally, do these dealers have the ability to charge a fee if they are required to store these surrendered firearms? Finally, immunity protections differ dependent on the storage location. Law enforcement agencies are immune from liability for any damage caused to firearms during the storage period yet federally licensed firearms dealers are not afforded the same protections.

Our final concern relates to crisis intervention orders and those allowed to file a petition. Anyone considered a family or household member can petition the court and a preponderance decision must be made based solely on the petitioner's information. A household member can include a former spouse or domestic partner, a distant blood relative, or an adult related by affinity. This broad scope of those considered family or household members is problematic as it may lead to abuses of filing petitions and would place law enforcement between firearms owners and petitioners who may have filed false information.

The Judiciary Committee spent a great deal of time last month working on and ultimately approving changes to what is commonly known as the yellow flag law. In an effort to enhance public safety in the wake of the October Lewiston shootings, Governor Mills introduced LD 2224, which tightens Maine's gun laws while improving Maine's mental health system.

Multiple work sessions, robust discussion and amended language led to a final product that allows additional pathways for law enforcement to seize weapons if they determine there is a significant threat. It does so while implementing injury and violence prevention programs and establishing crisis receiving centers statewide to provide immediate and short-term mental health and substance use disorder crisis stabilization services. We should allow for these changes to be implemented and put into practice before entertaining a different approach to preventing gun violence.

On behalf of the Maine Chiefs of Police Association, we thank the Committee for its consideration of our comments and concerns related to LD 2283. We respectfully ask members to vote in opposition to the passage of this legislation.