

Tim Russell  
Sidney  
LD 2283

Statement of Tim Russell, resident of Sidney, Maine, in Opposition to LD 2283 An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public, April 5, 2024.

Senator Carney and Representative Moonen, and members of the Joint Standing Committee on Judiciary; I write you to convey my strong opposition to LD-2283.

LD 2283 is nothing more than an assault on the right to own firearms without due process guaranteed in the Constitution of the United States and Maine and therefore clearly unconstitutional.

Removal of the physician's sign-off, removal of due process, and the other protections currently in the "Yellow Flag" law renders this proposed bill nothing more than a naked attempt at firearms confiscation with no attempt to provide prior notice to the alleged defendant, thereby denying him/her any appearance of due process for up to 30 days.

This proposed bill does nothing more than remove firearms without ensuring the subject person is afforded any opportunity of receiving any medical/mental healthcare intervention, if needed. As already contained in the current "Yellow Flag" law.

There are insufficient penalties for false, erroneous accusations made by the claimant, which would allow the claimant to use this law as a cudgel to falsely remove firearms from an innocent victim.

Further, this bill has no provision for a protection of abuse order, from the claimant, should one be required or needed.

There is no meaningful data that Red Flag Laws save lives or reduce crime. There is no doubt, however, that Red Flag laws are devoid of due process and hurt law-abiding citizens.

Finally, from the Executive Summary of The Initial Interim Report of the Independent Commission to Investigate the Facts of the Tragedy in Lewiston:

"The Commission unanimously finds that, under the circumstances known to Sgt. Skolfield on September 17, 2023, the decision to turn over the responsibility for removing Mr. Card's firearms to Mr. Card's family was an abdication of law enforcement's responsibility. This decision shifted what is and was a law enforcement responsibility onto civilians who have neither the legal authority to begin the Yellow Flag process nor any legal authority to seize weapons. Even after delegating that responsibility to Mr. Card's family, the SCSO failed to follow up to ensure that the firearms had been removed from Mr. Card's custody and safely secured."

<https://www.maine.gov/icl/sites/maine.gov.icl/files/2024-03/Commission%20Interim%20Report%203-15-24.pdf>

A Red Flag law is not the answer to the mass shooting that occurred last October in Lewiston. What this proposed Red Flag law would do, however, is violate the 2nd Amendment, the 4th Amendment, the 5th Amendment, and the 6th Amendment of the Constitution. Depriving Maine citizens their Constitutional rights without due process, based upon unsubstantiated information.

What must happen is the timely execution, enforcement, and criminal prosecution of gun laws already on the books, namely Maine's Yellow Flag law and timely mental health intervention. Which did NOT happen in the Lewiston shooting.

I strongly encourage you to please vote unanimously ONTP on LD 2283.

Thank you for your time and attention.