

Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary.

My Name is Paul Potvin MD and I am from Hampden. I am a recently retired Emergency Medicine physician, a gun owner and an avid hunter. I am writing in support of LD 2283: An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

First of all, I urge you to evaluate all of the proposed firearm legislation not by whether or not it would have prevented any one incident (such as the Lewiston shooting), but by its potential for preventing future gun violence. We cannot erase the past, but we can influence the future.

Opponents of any strengthening of the extreme risk protection laws argue that the current yellow flag law is sufficient if used properly. But it is not. It has inherent barriers to both its initiation and completion that would be eliminated by LD 2283, while allowing the same due process for the person deemed to be at risk.

Requiring law enforcement to make the initial assessment whether someone poses a serious threat places undue burden on a resource that is often in short supply and is not always the best suited to make such a determination. Families in Maine know their loved ones best, and are often the first people to notice that their loved one is at risk of harming themselves or others. They should be allowed to petition the court directly, for a judge to then decide, after weighing the evidence, if that person presents an extreme risk and whether firearms should be temporarily removed. LD2283 then provides for timely hearing at which the person deemed to be at risk can present his/her case.

People who are at an elevated or immediate risk of committing acts of violence or self-harm are not necessarily mentally ill. Our yellow flag law requires a mental health evaluation for the purpose of determining the risk of firearm violence or self harm. It is an unnecessary step that requires taking the person into protective custody and bringing them to a medical or psychiatric facility. I have been witness to the many hours and days of both law enforcement and medical and psychiatric resources that can be consumed by such a process, placing a strain on rural police departments and hospitals, and rendering them less able to perform their other duties.

LD2283 allows family members to directly petition the courts, and eliminates the requirement for a mental health evaluation. The concern that such a law could

be misused against family members or partners who do not pose a threat is alleviated in this proposed legislation.

The petition would still go before a judge and judges are quite accustomed to evaluating evidence and weeding out false claims. Furthermore, there is a significant penalty for knowingly filing a false claim, providing a significant deterrent for doing so.

There is no evidence of wide-scale abuse of a process like this or false petitions. A study of Colorado cases found just four cases with unqualified petitioners over a four-year period. In Oregon, researchers found just two such cases over a two-year period. All six of these cases were dismissed by the presiding judge before any order (temporary or final) was made and any firearms were removed.<sup>1</sup>

Research suggests that warning signs are observable to others before most acts of violence and up to 80% of people considering suicide give some sign of their intentions<sup>2</sup>.

A study of six states with protective order procedures found that 10% of all orders were filed in response to threats of mass violence. The laws in these states prevented more than 650 potential multiple-victim/mass shooting incidents<sup>3</sup>.

We have an opportunity here to strengthen our extreme risk protection order, and protect the people of Maine and their loved ones from gun violence. I urge you to vote ought to pass for LD2283

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<sup>1</sup> <https://deepblue.lib.umich.edu/bitstream/handle/2027.42/168353/capp12544.pdf?sequence=2>

<sup>2</sup> Robert Golden, Fred Peterson, and Carla Weiland. The truth about illness and disease. Infobase Publishing 2009.

<sup>3</sup> April M. Zeoli, et al., "Extreme risk protection orders in response to threats of multiple victim/mass shooting in six U.S. states: A descriptive study," Preventive Medicine 165, part A (2022): 107304

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