

## **Regarding LD 2283, An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public**

After every senseless tragedy in America, gun control activists and their media allies call knee jerk reaction is for more gun restrictions and gun confiscation, and they attack our Second Amendment rights. No matter the circumstances of the crime committed, they will exploit the loss of life to advance their political agenda and now has found its way into our State.

We had laws in place that should have stopped the Lewiston attacked but they were not enforced and in fact the responsibility of enforcement was passed from the Military to the State right down to local officials. The deranged killer's threats were ignored and so were the concerns of friends and family, and the community of Lewiston – and our state as a whole – will forever be changed by the predictable and clearly avoidable tragedy that left 18 dead and 13 wounded.

**WHERE IS THE ACCOUNTABILITY** for those that didn't do their job and why is now on Gun Owners to feel the brunt of these law. We already know that Criminals don't obey the law. The businesses where posted as a **GUN FREE ZONE**. **GUN FREE ZONE** doesn't protect anyone they are usually a site of a mass causality event because a criminal is less likely to encounter a person legally carrying their firearm.

Over the last several years, extreme risk protection orders (ERPOs), more commonly referred to as red flag laws, have become the “go-to” policy prescription for mourning communities after a senseless mass shooting. To date, 21 states have adopted some form of red flag or “extreme risk” laws that allow law enforcement or other government agencies to confiscate firearms from individuals who are judged, without due process, to be at risk to do harm to themselves or others.

Creating violation under the Bill of Rights of:

Second Amendment;  
Fourth Amendment;  
Fifth Amendment; and the  
Sixth Amendment

Creating a burden on police departments and the courts that are not equipped to deal with this when they should be dealing with more pressing matters.

It does not include enough penalties for accusation made erroneously.

Let me paint this picture this is what happened to my brother after his divorce and if this law was in place now I am sure his ex-wife would have used it against him.

He was married for over 7 years with 2 children, his ex-wife filed for divorce and it got messy. After the divorce my brother was being served a Protection order all because she didn't like the terms of co-parenting and wanted the house. Each time my brother had to spend time from work defending these false claims and each time surrendering his firearms to State Police and each time the case was found to be insufficient to warrant further charges. This bogged down the court system and the police department but also effects the person being accused.

Recently, the Biden administration announced plans to open the National Extreme Risk Protection Order Resource Center, and Vice President Kamala Harris called on all states to pass red flag laws and use federal funding to implement ones already in place. Sadly, what's missing from the conversation surrounding red flag laws is the efficacy of these controversial, unconstitutional laws that undermine our constitutional rights and compromise our safety.

So instead of passing new restrictions on law-abiding citizens like you want to do, how about we enforce the laws that currently exist? Often, we see that mass murderers make open threats to inflict harm and kill others. In fact, the man who ended up taking the lives of nearly two dozen innocent Mainers vowed to attack the Air Force base where he was stationed. These threats should have led to his incarceration and guns being taken by local police under the current Yellow Flag Law, however that was not the reality of what happen. So again, I ask you where is the accountability for those who did not act and allowed this to happen.

This law does nothing to protect the public from a potential harmful individual once firearms are removed. Does nothing to protect any potential victims.

Why are we not waiting for the final report from the Commission that the Governor has investigating? Why are we acting on emotion instead of facts of the incident and the statics on these types of laws in other states?

To me it is check a box for the gun-control lobby and those reacting to the emotion to say they made changes in the wake of the tragic events that happened in our State but without regard to the serious violates Mainers' rights more specifically gun owning Mainers. IT IS TIME TO STOP DEMANDING EMPTY SOLUTIONS IN THE WAKE OF THIS TRAGEDY. We

**I urge the committee vote Ought not to Pass**

Kathy Smith

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