

William Smith  
Gorham  
LD 2283

In Opposition of LD 2283 "An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public"

Senators and Representatives of the Committee On Judiciary, my name is William Smith and I live in Gorham. Thank you for the opportunity to testify in opposition of LD 2283.

Civil liberties must be protected in equal measure by all laws as per the United States and Maine Constitutions. Second, Fourth and Sixth Amendment rights must be protected in similar ways by each and every law.

If in Maine the state wants to involuntarily commit a person into a mental institution the state has to follow a very strict process which mirrors our existing yellow flag law process. The process is described here:

<https://www1.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Frequently%20Asked%20Questions%20About%20Involuntary%20Hospitalization%20.pdf>

This process, as well as our yellow flag law, preserves the rights of the individual in a similar way. Due process is followed and a mental health professional is involved.

LD 2283 does not utilize a crisis expert for the 14-day suspension of the person's rights.

In the case of a involuntarily committed person, a hospital is not required to hospitalize a person for the entire period of commitment. In fact, it must discharge a person during the commitment period if it is determined that conditions have changed and that the person no longer needs hospitalization.

In the case of the year long red flag order, LD 2283 on the other hand does not have a process by which an individual can petition for the return of their firearms under any circumstances prior to the year time period has ended.

Additionally the bill requires evidence presented by the accuser to satisfy a "preponderance of evidence", the lowest form of evidence in civil cases. If an individual has committed acts with that degree of evidence which the courts can review then the actions taken must be describable and able to be placed in classifications such as existing behaviors society deems dangerous or unjust to others such as stalking, harassment and slander.

In this way all such actions are legally defined, penalties are determined and a court including a jury of individuals review the transgressions in question. This is precisely what preserve our 4th and 6th amendment rights.

In oral arguments related to the recent Chevron Deference cases before The Supreme Court of the United States Justice Neil Gorsuch made it extremely clear that all laws that directly infringe on the the rights of an individual MUST strongly err on the side of protecting the individual's rights and away from empowering the government even in relation to it performing acts related to community protection.

In light of the above information I request you members of the Committee vote OUGHT NOT PASS for LD 2283.

Thank you.

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