

# Maine Association of Psychiatric Physicians

Testimony of David Moltz, MD  
To the Joint Standing Committee on Judiciary  
129th Maine State Legislature  
March 7, 2024

Senator Carney, Representative Moonen, Honorable Members of the Judiciary  
Committee,

My name is David Moltz, MD, and I live in Portland, Maine. I am here representing the Maine Association of Psychiatric Physicians, to express our support for LD 2224, as well as our concerns about portions of the “yellow flag law” contained in the bill, and to request your consideration for certain changes which we believe will improve the law.

The “yellow flag law” as currently constituted is helpful, especially as it has been utilized more frequently since the Lewiston tragedy, and the changes made in LD 2224 will strengthen it and make it more useful. . However, as psychiatrists we feel strongly that the fact that it only applies to “a mentally ill person” who has a “disease”, and the subsequent requirement for a mental health evaluation as part of the process of weapon removal, is a serious deficiency in the law. There are several problems with this requirement.

- 1. It is stigmatizing and inaccurate.** The focus on mental illness, however defined, feeds the misconception that mental illness is the cause of gun violence. In fact, only 3-5% of violent crimes are perpetrated by people with mental illness, and the vast majority of mentally ill persons are not dangerous. It would be far less stigmatizing of people who are mentally ill to make dangerousness and threat the criteria, without invoking mental illness or disease.
- 2. It excludes people who are a threat but are not mentally ill.** Most people who use guns aggressively are in crisis, but are not necessarily mentally ill. They may have lost a job or a relationship, may be drinking too much, or may simply have a bad temper and get into an argument. These circumstances do not constitute a mental illness or a disease, and these people would not qualify for weapons removal under the present law.
- 3. It makes using the law more complicated and less efficient.** Requiring the mental health evaluation, however efficiently it's done, adds a step to the process, making it more cumbersome and harder to use. This is the opposite of making it more effective.
- 4. It leaves out family members.** Those most involved with the person, and perhaps most at risk, cannot act on their own to initiate weapons removal.

- 5. It is unnecessary.** Mental health professionals do not have special skills in accurately assessing potential dangerousness. This is shown by the experience of evaluations to date. **Of 164 persons referred to the Spurwink program for evaluation under this law, 163 were found to meet criteria for weapons removal. This means that those making the referrals were as accurate as the seasoned mental health professionals in assessing risk. The process would have worked just as well without the mental health evaluation.**

For all these reasons, the Maine Association of Psychiatric Professionals urges you to amend the law concerning weapons removal, making the criteria imminent threat without the qualifier of disease or mental illness, and eliminating the requirement for mental health evaluation.

Thank you,

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