

To: Sen. Carney, Rep. Moonen, and members of the Joint Standing Committee on Judiciary

From: Scott Berry, 179 Davis Ave, Auburn, ME 04210

Re: Opposition Against LD 2238

Sen. Carney, Rep. Moonen and members of the Judiciary Committee, my name is Scott Berry and I live in Auburn, ME. I am here to testify against LD 2238.

I strongly advocate for Maine to pursue legislation that genuinely prioritizes saving lives and addresses the complexities of firearm regulation with thoroughness and efficacy. LD 2238, while well-intentioned, it appears to lack the substantive measures needed to significantly impact public safety. Moreover, its potential unintended consequences, such as limiting access to firearms for certain communities, including the Jewish community, raise valid concerns.

Case in point, there is a mandatory 10-day waiting period before a firearm dealer can deliver the firearm to the purchaser in California. Maine is proposing a 72-hour waiting period. On February 29th, an Orthodox Jewish dentist, Dr. Benjamin Harouni, was allegedly shot by a Muslim suspect, Mohammed Abdulkareem, in El Cajon. Records show that the suspect legally purchased the weapon two weeks prior. So, please tell me what a 72-hour waiting period is going to prevent here in Maine.

Another case in point, FBI Director Wray Confirms the Border Crisis Poses Major Homeland Security Threat with 1.8 Million Gotaways. He also believes some are actually Iran-backed Hamas and Hezbollah and that there will be an attack on US soil. What would happen if we were attacked by these foreign adversaries here in Maine in the same manner as they attacked Israel? Please, let's not dismiss the possibility by saying it cannot happen here. The tragic event in Lewiston serves as a stark reminder that we are not immune to such threats, even within the borders of Maine.

This country is witnessing a disturbing rise in antisemitism, reminiscent of the troubling trends observed in Germany during Hitler's rise to power. It's imperative that we confront this wave of hatred and bigotry head-on, learning from history to prevent such atrocities from repeating themselves. This underscores the urgent need for immediate protection for Jewish communities, especially in the face of escalating threats. Delaying access to firearms for 72 hours under this bill could potentially leave them vulnerable during critical moments. Such a delay not only undermines the safety and security of Jewish individuals but also raises serious concerns about the bill's discriminatory implications. It's essential to address these issues to ensure equitable protection for all communities, regardless of background or affiliation. **This Bill in my opinion is anti-Semitic to say the least.**

In my testimony, I have included a crucial report from The Association of Rape Crisis Centers in Israel, shedding light on the harrowing realities of murder and sexual violence crimes, particularly those occurring on October 7th which could happen here in Maine.

Additionally, I have proposed a proactive solution that I believe could help save lives: the implementation of a Red Flag Law to enhance Maine's Yellow Flag Law. This legislation empowers

A comprehensive Red Flag Law aimed at temporarily confiscating firearms from individuals deemed mentally ill until they are proven fit by a physician and the courts could help promote public safety while respecting due process and privacy rights. Such a law should be crafted carefully to balance the needs of public safety with individual rights. Here's a draft proposal:

Title: Comprehensive Mental Health Red Flag Law

Section 1: Purpose and Intent

The purpose of this law is to protect public safety by temporarily restricting access to firearms for individuals who are deemed to pose a significant risk of harm to themselves or others due to their mental health condition. This law is designed to be respectful of due process rights and privacy concerns while prioritizing public safety.

Section 2: Definitions

- a) "**Mentally ill person**" refers to an individual who has been diagnosed with a mental health disorder by a qualified physician or mental health professional.
- b) "**Firearms**" includes any handguns, rifles, shotguns, or other similar weapons.
- c) "**Crisis notification system**" refers to a secure system for the prompt sharing of relevant information with law enforcement agencies, medical facilities, and health care workers when there is a perceived mental health crisis.

Section 3: Firearm Confiscation

- a) Law enforcement agencies may petition the court for an **Emergency Firearm Restraining Order (EFRO)** against a mentally ill person if they believe that person poses an immediate risk of harm to themselves or others due to their mental health condition.
- b) The court shall review the petition and consider evidence from qualified medical professionals before issuing an **EFRO**. The court shall also provide notice to the individual named in the petition and schedule a hearing within a reasonable time frame.
- c) If the court determines that there is clear and convincing evidence that the mentally ill person poses a significant risk, the court may issue an **EFRO**, authorizing law enforcement to temporarily confiscate the individual's firearms for a specified period, not exceeding 180 days.
- d) During the **EFRO** period, the individual may seek mental health treatment and evaluation by a qualified physician or mental health professional to establish their fitness to possess firearms.

Section 4: Evaluation by Physician

- a) The individual subject to an **EFRO** may request an evaluation by a qualified physician or mental health professional to assess their mental health and determine their fitness to possess firearms.
- b) The evaluating physician shall provide a report to the court, indicating whether the individual is fit or unfit to possess firearms. The court will consider this report in making its determination.

Section 5: Court Review

- a) The court shall schedule a hearing to review the **EFRO** within a reasonable timeframe, allowing the individual the opportunity to present evidence and contest the continued firearm restriction.
- b) If, after the hearing, the court finds that the individual is no longer a significant risk, the **EFRO** shall be lifted, and the firearms shall be returned.

Section 6: Notification

responsible for ensuring compliance, addressing privacy concerns, and managing technological aspects.

i) Congress and relevant state legislatures shall have the authority to establish protocols and standards for CNS operation, data security, and compliance, with the aim of creating a robust and efficient system for addressing mental health crises.

j) The CNS shall draw upon the lessons learned from past initiatives, such as the post-9/11 intelligence-sharing efforts, to create a streamlined and effective information-sharing platform. To achieve this, it shall prioritize the removal of bureaucratic obstacles and promote a culture of cooperation among all participating entities.

k) Public awareness and education campaigns shall be conducted to inform individuals, healthcare providers, and law enforcement agencies about the existence and purpose of the CNS.

l) The success of the CNS will depend on a collective will to prioritize public safety and mental health support, both at the state and national levels.

This enhanced section emphasizes the importance of a state-wide Crisis Notification System and establishes the possibility of a national framework while also highlighting the need for collaboration, funding, and public awareness to ensure its effectiveness.

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