



Testimony in Support of LD 1175

Joint Standing Committee on Criminal Justice and Public Safety

Senator Rosen, Representative Warren, distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Nick Wilson and I am the Executive Director of the Maine Gun Safety Coalition. I appreciate the opportunity to testify in support of LD 1175.

This bill will allow family members and law enforcement to ask a judge to temporarily suspend a person's access to firearms if there is documented evidence that an individual poses a serious threat of violence to themselves or others. An Extreme Risk Protection Order is a tool for law enforcement to keep us safe and give families another option for preventing a tragedy before it is too late.

Let me spend a moment to explain what this bill is not. LD 1175 is not about preventing domestic violence homicides. Maine already has a mechanism to remove firearms from a perpetrator of domestic violence – Protection from Abuse Orders (PFA). However, this extreme risk tool is intentionally modeled on our well-established PFA Orders with careful protections for due process and standards for evidence.

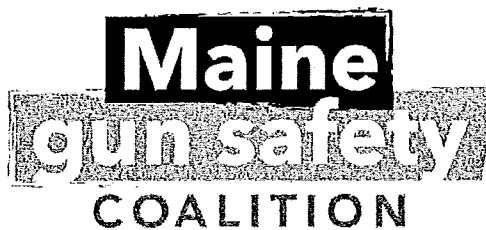
This bill is *not* about disarming individuals with severe and long-term mental illness. It is important to note that a vast majority of individuals suffering from mental illness never commit violence. Extreme Risk Protection Orders focus on individuals who are experiencing a temporary crisis and there is convincing evidence that the person poses a serious threat of violence to themselves or others.

This is not a creative attempt to set the groundwork for a firearm registry. As we testified earlier this session, we are not interested in creating a registry of responsible gun owners. In contrast to policies such as universal background checks that seeks to influence the behavior of most gun owners, this is a targeted and precise measure that we expect will only affect a handful of people each year.

Unexpected life events such as losing a job, the end of a relationship such as a divorce, or a death in the family can send someone with any history of mental health issues into temporary emotional crisis. Currently, there are no good options for families members and law enforcement concerned with the safety of someone in crisis. Those closest to the problem only have two extreme choices - involuntary commit the individual, or do nothing. This provides law enforcement a valuable and measured tool to fill this gap.

In 1999, Connecticut became the first state to adopt a risk-based firearm removal law. According to a 2016 study, for every 10.5 guns collected under Connecticut's risk-based firearm removal law between 1999 and 2013, one person was stopped from taking his or her own life. The study concludes that the law effectively targets high-risk individuals without inconveniencing responsible gun owners. The researchers also found that many of the individuals in crisis obtained mental health and/or substance abuse treatment they might otherwise not have received.

We ask you to support this bill and give law enforcement and families the ability to prevent tragedies before they happen - because when a gun is present, there are no second chances.



LD 1175: An Act to Help Prevent Suicides

What is proposed by this bill?

The bill authorizes judges to temporarily suspend access to firearms by a person in emotional crisis by issuing an Extreme Risk Protection Order (ERPO).

What is an Extreme Risk Protection Order?

An ERPO empowers families and law enforcement to prevent tragedies and save lives. This tool allows family members and law enforcement to ask a judge to temporarily suspend a person's access to firearms if there is documented evidence that an individual poses a serious threat of violence to themselves or others. Family members and law enforcement are often in the best position to recognize the warning signs of violence and creating an ERPO will provide a tool to prevent a tragedy before it's too late.

Why are Extreme Risk Protection Orders needed?

More people die in Maine from suicide than homicide, with someone dying from suicide every 39 hours.¹ In Maine, suicide is the second leading cause of death for individuals ages 15-34. Most individuals who commit suicide and mass shootings exhibit signs of their intentions, but current laws prevent families who are the first to notice warning signs from taking life-saving action. Extreme Risk Protection Orders provide an opportunity to intervene before it is too late.

Between 2005 and 2014, Maine's firearm suicide rate was 8.0 per 100,000. The rate at which Maine residents commit suicide with a gun is more than four times the rate in Massachusetts, and three times the rates in Connecticut and Rhode Island.

More than half of completed suicides in Maine are by gun. Suicides attempted with a firearm are lethal 82.5% of the time, compared to less than 3% by drug overdose, the most commonly used method to attempt suicide.² Suicide is often an impulsive decision and 90% of people who survive suicide attempts don't go on to kill themselves.³ Temporarily removing firearms from a person in crisis can prevent tragedies because when a gun is present, there are no second chances.

Maine's suicide and domestic violence homicide problems are closely linked. In a review of selected cases between 2011 and 2015, the Maine Domestic Abuse Homicide Review Panel found that most homicides were committed with a firearm and that nine of the sixteen perpetrators threatened suicide prior to or after committing homicide.⁴

¹ "Suicide: Maine 2016 Facts and Figures," American Foundation for Suicide Prevention, 2016

² Rebecca Spicer and Ted Miller, "Suicide Acts in 8 States: Incidence and Case Fatality Rates by Demographics and Method," *American Journal of Public Health*, December 2000

³ Madeline Drexler, "Guns & Suicide: The Hidden Toll," *Harvard Public Health*, 2014

⁴ "On the Path of Prevention: The 11th Biennial Report of the Maine Domestic Abuse Homicide Review Panel," June 2016

What other states have a similar law?

In 1999, Connecticut became the first state to adopt a risk-based firearm removal law. Additional states that have laws authorizing law enforcement to remove guns from someone identified as a danger to themselves or others include California, Illinois, Indiana, Massachusetts, Texas, and Washington State. At least eleven other states are expected to introduce similar bills this year.

Does it work?

Yes. According to a 2016 study, for every 10.5 guns collected under Connecticut's risk-based firearm removal law between 1999 and 2013, one person was stopped from taking his or her own life.⁵ Law enforcement found and removed guns in 99% of cases where they conducted a search, removing an average of seven guns per risk-warrant subject. Another benefit was that many of the individuals in crisis obtained mental health and/or substance abuse treatment they might otherwise not have received. The study concludes that the law effectively targets high-risk individuals without inconveniencing responsible gun owners.

The Consortium for Risk-based Firearm Policy, a group of the nation's leading experts in mental health, public health, and gun violence prevention, strongly recommends that states implement ERPOs to prevent suicides. For each suicide death prevented by this law, Maine will save \$1,134,885 in medical expenses and work loss.⁶

How does an ERPO work?

The ERPO is intentionally modeled on our well-established Protection from Abuse (PFA) orders with careful protections for due process and standards for evidence. This bill provides for emergency orders, which last up-to twenty-one days, and for more permanent orders, which automatically expire after one year.

After a family member or law enforcement files a petition, the court notifies the subject and holds a hearing to determine whether the person poses a serious threat of violence to themselves or others. Before issuing either an emergency or permanent order, a judge would be required to carefully consider evidence, including threats of harm to self or others, previous violent behavior directed at self or others, previous convictions for violent crimes, and/or substance abuse-related crimes.

The family member or law enforcement official seeking the protection order bears the burden of proving by clear and convincing evidence that the subject of the petition poses a significant danger of personal injury to himself, herself, or another by having possession of a firearm and that an ERPO is necessary to prevent personal injury and less restrictive alternatives have been ineffective, inadequate, or inappropriate. If a judge finds sufficient evidence of a threat, the individual will be prohibited from possessing firearms for one year and allow law enforcement to remove any firearms or ammunition already in the individual's possession.

For more information, please contact:

Nick Wilson, MGSC Executive Director, at 207-780-0501 or nick.wilson@mainegunsafety.org

⁵ Jeffrey Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?" *Law and Contemporary Problems*, August 2016

⁶ "Suicide: Maine 2016 Facts and Figures," American Foundation for Suicide Prevention, 2016