

Testimony Utah on Red Flag Laws and Universal Background Checks

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See our research at crimeresearch.org

What exists in Utah before Red Flag Laws

- **Civil Commitment**, which allows responsible individuals who have credible knowledge of an adult's mental illness.
- Court appoints two mental health care experts to examine individual, evaluations done quickly
- based upon a simple reasonableness test – little more than a guess or a hunch.
- If necessary, legal counsel is provided by the court
- Involuntary commitment for those who are deemed a danger to themselves or others
- But less extreme measures are possible. For example, individuals may agree to voluntary counseling, and there can be follow ups by the courts. It has **always been possible to take away someone's guns**

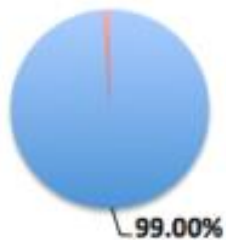
The Basics of Red Flag/Extreme Risk Protection Orders

- Only one state's law even mentions mental illness
- no mental health care experts required to be involved in the process
- No legal counsel is provided for those who can't afford
 - Most don't find it in their interest to get legal counsel
- Relatively long periods of time elapse before hearings
- Predicting those who will harm others or themselves
 - Tom Cruise Minority Report
- Characteristics independent of mental illness that predict actions
 - So what do they look at?
 - **criminal history, gender, and age**
- One type of amendment to put up on these bills is to make what they want to do explicit.

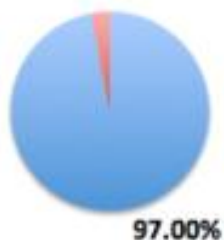
Red Flag Laws focus ONLY on guns

- Regarding suicides, the notion is that if you can simply remove guns from home you will prevent suicides.
- Claim: Guns are the most successful way to commit suicide
- If you really think someone is suicidal, removing guns isn't serious option.

Shotgun to head



Cyanide



Gunshot of head



Explosives



Hit by train



Jump from height



Gunshot of chest



Hanging



How extensively are Red Flag laws used

- first nine months after Florida passed its Red Flag law last year, judges granted more than 1,000 confiscation orders
- Maryland's law went into effect on October 1st, more than 300 people
- Connecticut and Indiana have had these laws in effect for the longest time and have seen large increases in confiscation orders as time has gone by. A thousand plus cases a year.

How the law can backfire

- These laws may **damage trust** between people.
- In the absence of a Red Flag law, a person contemplating homicide or suicide might speak to a friend or family member and be dissuaded from that course of action.
- fear that the authorities will be tipped off and restrict the person's freedoms
- The result may be that such individuals don't seek help and go on to kill themselves or others.
- Liberals understand this point for something like AIDS

Limits

- When people “really” pose a clear danger to themselves or others, they should be confined to a mental health facility.
- Simply denying them the right to legally buy a gun isn’t a serious remedy.

Empirical Evidence

- Four of these states implemented this policy before the end of 2017: California (2016), Connecticut (1999), Indiana (2005), and Washington (2016)
- The evidence discussed in the media based on looking at one state at a time, either Connecticut or Indiana.
- Looking at data from 1970 through 2017, Red flag laws appear to have had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.

Universal Background Checks

Understanding Background Checks

- Everyone wants to stop dangerous people from getting a gun
- What are Universal Background Checks?
- Typical claim is that background checks aren't enforced
- The Current System is a Mess
 - Racist
- Not Costless
- Creating a national Registry of Law-abiding Citizens who own guns
- How to simply fix the system