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3 Title: "Red Flag" Law to Enhance Safe Gun Ownership  
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5 Introduced by: John Pelachyk, MD, for the St. Clair County Delegation  
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7 Original Author: Raj Makim, MD  
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9 Referred To: Reaffirmation Calendar  
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11 House Action: **REAFFIRMED**  
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14 Whereas, in the United States, a "red flag" law is a gun control law that permits family  
15 members, law enforcement, and sometimes others relevant in the circle of the person in question,  
16 to petition a state court to order the temporary removal (of up to 12 months) of firearms from a  
17 person who may present a danger to themselves or others, and  
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19 Whereas, "red flag" laws have been passed in 17 other states and the District of Columbia  
20 and pending legislation for "red flag" laws are being considered in four more states, and  
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22 Whereas, research has shown "red flag" laws can affect a significant mitigation of the risk  
23 posed by that small proportion of legal gun owners who may pose a threat to themselves or  
24 others, and  
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26 Whereas, in an *Annals of Internal Medicine* 2019 study, a case series indicated that  
27 California's "red flag" law has been found to be a factor in efforts to prevent mass shootings, and  
28

29 Whereas, suicides accounted for 62 percent of U.S. gun deaths from 2008 to 2017, which  
30 implies that "red flag" laws may have significant value in preventing some of these deaths, and  
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32 Whereas, *Everytown for Gun Safety* conducted a nationwide study showing that the  
33 perpetrators of mass shootings showed warning signs before the event 42 percent of the time, and  
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35 Whereas, an April 2018 poll found that 85 percent of registered voters support laws that  
36 would "allow the police to take guns away from people who have been found by a judge to be a  
37 danger to themselves or others" (71 percent "strongly supported" while 14 percent "somewhat  
38 supported" such laws); therefore be it  
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40 RESOLVED: That MSMS advocate for and recommend the adoption of "red flag" legislation  
41 to enhance safe gun ownership in Michigan.  
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44 WAYS AND MEANS COMMITTEE FISCAL NOTE: None

**Relevant MSMS Policy:**

**Firearm Regulations**

MSMS opposes the liberalization of concealed gun laws and efforts to weaken current laws regarding the manufacture, importation, and/or ownership of assault weapons and/or handguns. MSMS supports policies that 1) prohibit acquisition of firearms by high-risk persons; 2) require firearm owners to have firearm safety certification which includes but is not limited to basic education in the care and handling of firearms; 3) limit ownership and use of assault weapons; and, 4) ban the sale of assault weapons and large-capacity ammunition magazines.

### **Relevant AMA Policy:**

#### **Firearm Availability H-145.996**

1. Our AMA: (a) advocates a waiting period and background check for all firearm purchasers; (b) encourages legislation that enforces a waiting period and background check for all firearm purchasers; and (c) urges legislation to prohibit the manufacture, sale or import of lethal and non-lethal guns made of plastic, ceramics, or other non-metallic materials that cannot be detected by airport and weapon detection devices.
2. Our AMA supports requiring the licensing/permitting of firearms-owners and purchasers, including the completion of a required safety course, and registration of all firearms.
3. Our AMA supports "gun violence restraining orders" for individuals arrested or convicted of domestic violence or stalking, and supports extreme risk protection orders, commonly known as "red-flag" laws, for individuals who have demonstrated significant signs of potential violence. In supporting restraining orders and "red-flag" laws, we also support the importance of due process so that individuals can petition for their rights to be restored.

#### **Sources:**

1. Swanson, J. W., Norko, M., Lin, H-J., Alanis-Hirsch, K., Frisman, L., Baranoski, M., Easter, M., Robertson, A. G., Swartz, M., Bonnie, R. J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does It Prevent Suicides?, 80 Law and Contemporary Problems, pp. 179-208 (August 2016).
2. Garen J. Wintemute, Veronica A. Pear, Julia P. Schleimer, Rocco Pallin, Sydney Sohl, Nicole Kravitz-Wirtz, Elizabeth A. Tomsich, Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series, Annals of Internal Medicine (August 20, 2019), doi:10.7326/M19-2162.
3. Warren Fiske, Miyares Gun-Suicide Claim Rates "Mostly True", PolitiFact Virginia (August 20, 2019)
4. Michael Livingston, More States Approving 'Red Flag' Laws to Keep Guns Away from People Perceived as Threats, Los Angeles Times (May 14, 2018).
5. Washington Post-ABC News Poll, April 8-11, 2018.
6. Emily Guskin & Scott Clement, Has Parkland changed Americans' views on guns?, Washington Post (April 20, 2018).