



Red Flag Laws: Helping Prevent Mass Shootings

Bottom Line: Like many mass shooters, the 19-year-old suspected of shooting and killing 17 people and injuring 17 others at a high school in Parkland, Florida displayed warning signs prior to the shooting. Unfortunately, at the time Florida did not have a Red Flag Law—a policy that empowers family members and law enforcement to seek an Extreme Risk Protection Order, a court order temporarily restricting a person’s access to guns when they pose a danger to self or others. Like Florida—**which enacted its own Red Flag Law with bipartisan support in March 2018**—states around the country are turning to the policy as a common-sense way to help reduce gun violence and gun suicide. Six states have Red Flag Laws in place—and bills are currently pending in another 22 states.

- ❑ **Red Flag Laws can save lives by creating a way for family members and law enforcement to act before warning signs escalate into tragedies.**
 - When a person is in crisis, loved ones and law enforcement are often the first to see signs that they pose a threat. Red Flag Laws allow them to seek help from a court to remove guns from dangerous situations.
 - Red Flag Laws empower law enforcement and immediate family members to petition a court for an Extreme Risk Protection Order, sometimes called a Gun Violence Restraining Order.
 - If a court finds that a person poses a significant danger of injuring themselves or others with a firearm, that person is temporarily prohibited from purchasing and possessing guns and required to turn over their guns while the order is in effect.
- ❑ **Six states have Red Flag Laws—and bills are currently pending in another 22 states.**
 - California, Connecticut, Florida, Indiana, Oregon and Washington have enacted Red Flag Laws.¹
 - Florida’s Red Flag Law passed with bipartisan support and was signed by Governor Rick Scott on March 9, 2018.
 - 22 states and D.C.² are currently considering Red Flag legislation.
- ❑ **Mass shooters often display warning signs before committing violent acts.**
 - A nationwide study of mass shootings from 2009 to 2016 revealed that in least 42 percent of those incidents, there is documentation that the attacker exhibited dangerous warning signs before the shooting.³
 - For example, before killing six people in Isla Vista, California in May 2014, the shooter displayed numerous warning signs, including making homicidal and suicidal threats. His parents alerted law enforcement, but he did not meet the criteria for emergency mental health commitment. As a result, he kept his guns and used them in the killing spree three weeks later. In response to that tragic shooting, California passed its own Red Flag Law.
 - The alleged mass shooter who shot and killed 17 people and injured 15 others at a high school in Parkland, Florida on February 14, 2018 also displayed warning signs prior to the



shooting. He was expelled from school, and students and teachers reported that he displayed threatening behavior. His mother contacted law enforcement on multiple occasions regarding his behavior, and he was known to possess firearms.

❑ **Red Flag Laws have robust due process protections.**

- Final orders—which generally last for up to one year—can only be issued after notice and an opportunity to be heard. At the hearing, the person would have the chance to respond to evidence that they are too dangerous to have a gun.
- A temporary order—which typically lasts 14 to 21 days—can be issued before a full hearing is held, but only if there’s clear evidence that an order is necessary to prevent immediate danger.

❑ **Red Flag Laws also address another American gun violence epidemic—firearm suicide.**

- Suicide accounts for nearly two-thirds of gun deaths in the United States.⁴
- A 2017 study of Connecticut’s Red Flag Law found that the law has already averted an estimated 72 or more suicides.⁵
- Reducing a suicidal person’s access to firearms can save their life. Nine out of ten suicide attempts with a gun result in death. By contrast, most people who attempt suicide by other means live—and do not eventually die by suicide.⁶ Access to a firearm triples the risk of death by suicide.⁷

¹ Cal. Penal Code § 18125; Cal. Penal Code § 18150; Cal. Penal Code § 18175; Conn. Gen. Stat. § 29-38c; Fla. Stat. § 790.401; Ind. Code § 35-47-14-1; Ind. Code § 35-47-14-2; Ind. Code § 35-47-14-5; Ind. Code § 35-47-14-6; Ind. Code § 35-47-14-8; Oregon S. 719, 79th Leg., Reg. Sess. (Or. 2017)(not yet codified); Wash. Rev. Code § 7.94.030; Wash. Rev. Code § 7.94.040; Wash. Rev. Code § 7.94.050; Wash. Rev. Code § 7.94.080.

² Alaska, Arizona, Delaware, Florida, Hawaii, Iowa, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Tennessee, Vermont, Virginia, and DC.

³ Everytown for Gun Safety, Mass Shootings in the United States: 2009-2016, 2017. Available at: <http://everytown.org/2BvFkXr>.

⁴ National Center for Injury Prevention and Control, CDC. 2012-2016 Vermont Suicide Firearm Deaths and Rates per 100,000. Fatal Injury Reports 2011-2016, for National, Regional, and States (RESTRICTED). Retrieved January 10, 2018, from: http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html.

⁵ Swanson JW, Norko M, Lin H, Alanis-Hirsch K, Frisman L, Baranoski M, Easter M, Robertson AG, Swartz M, and Bonnie RJ. Implementation and effectiveness of Connecticut’s risk-based gun removal law: does it prevent suicides? *Law and Contemporary Problems*. 2017; 80: 179-208.

⁶ Owens D, Horrocks J, and House A. Fatal and non-fatal repetition of self-harm: systematic review. *British Journal of Psychiatry*. 2002;181:193-199.

⁷ Anglemyer A, Horvath T, Rutherford G. The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis. *Ann Intern Med*. 2014;160:101-110. doi: 10.7326/M13-1301.