

March 26, 2019

The Honorable Lindsey Graham
Chairman
U.S. Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
U.S. Senate
Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of the physician and medical student members of the American Medical Association (AMA), I appreciate the opportunity to present the AMA's views on "Red Flag" laws to the U.S. Senate Committee on the Judiciary. Red flag laws, sometimes called extreme risk protection order laws, allow a judge to issue an order that enables law enforcement to temporarily remove guns from individuals deemed a risk to themselves or others. The AMA supports such laws as common-sense safety interventions that can prevent a person in crisis from harming himself/herself or others.

As one of the main causes of intentional and unintentional injuries and deaths, the AMA recognizes that firearm-related violence is a serious public health crisis in the United States. The AMA has extensive policy on firearm safety and violence prevention, including policy that supports the rights of physicians to have free and open communication with their patients regarding firearm safety and that calls on physicians to educate and counsel their patients regarding firearm safety. AMA policy also urges Congress to provide sufficient resources to enable the Centers for Disease Control and Prevention (CDC) to conduct gun violence research to help prevent injury, death, and the other costs to society resulting from firearms. The AMA also supports a waiting period and background check for all firearm purchasers.

In 2018, the AMA adopted several new policies on preventing gun violence, including new policy in support of Red Flag laws. This policy states that the AMA supports:

- (1) the establishment of laws allowing family members, intimate partners, household members, and law enforcement personnel to petition a court for the removal of a firearm when there is a high or imminent risk for violence;
- (2) prohibiting persons who are under domestic violence restraining orders,
- (3) convicted of misdemeanor domestic violence crimes or stalking, from possessing or purchasing firearms;

- (4) expanding domestic violence restraining orders to include dating partners;
- (5) requiring states to have protocols or processes in place for requiring the removal of firearms by prohibited persons;
- (6) requiring domestic violence restraining orders and gun violence restraining orders to be entered into the National Instant Criminal Background Check System; and
- (7) efforts to ensure the public is aware of the existence of laws that allow for the removal of firearms from high-risk individuals.

The purpose of Red Flag laws is to target high-risk individuals based on behavior, regardless of mental illness diagnosis, to reduce firearm violence. Such laws give law enforcement, family members, or household members who observe an individual's dangerous behavior and believe it could be a precursor to violence (against themselves or others), the authority to petition a court to temporarily remove firearms from the individual's possession and prohibit them from purchasing a new firearm or ammunition.

Red Flag laws can be particularly useful with respect to preventing suicide and intimate partner violence homicide (IPV). Suicide is a leading cause of preventable death in the United States and firearms are among the most lethal suicide attempt methods, with nearly 9 out of 10 attempts resulting in death. In 2015, firearms were the most common method used in suicide deaths in the United States, accounting for almost half of all suicide deaths. Likewise, firearms in a violent home increase the likelihood that IPV incidents will result in death. In 2013, approximately half of the 1,270 reported intimate partner homicides in the United States were committed with firearms. Because of this risk, laws have been enacted to remove firearms from those who commit IPV. Federal law prohibits individuals subject to certain restraining orders from purchasing or possessing a firearm, and makes it illegal for individuals convicted of misdemeanor domestic violence assault to purchase or possess firearms. However, there are gaps in the federal law, including that it does not apply to non-spouse partners.

Recognizing the relationship between firearms and suicide, the AMA also passed new policy in 2018 recognizing the role of firearms in suicides and encouraging physicians, as part of their suicide prevention strategy, to discuss lethal means strategy and work with families to reduce access to lethal means of suicide. In addition, as mentioned previously, the AMA adopted policy to support expanding domestic violence restraining orders to include dating partners.

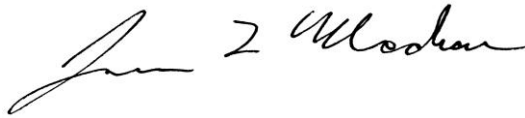
Research shows that these laws can save lives. In 1999, Connecticut was the first state to authorize law enforcement to petition for the removal of firearms from individuals due to a risk of imminent personal injury to himself or herself or to other individuals. An evaluation of Connecticut's risk-warrant law shows that from 1999–2013, 762 risk-warrants were issued. Nearly half of the firearm removal cases were initiated by an acquaintance, with family members initiating 41 percent of cases, and employers or clinicians initiating eight percent of cases. Suicidality or self-injury threat was listed as a concern in 61 percent of cases, with the risk of harm to others a concern in 32 percent of cases. Most risk-warrant subjects did not have contact

The Honorable Lindsey Graham
The Honorable Dianne Feinstein
March 26, 2019
Page 3

with the public behavioral health system in the year before the risk-warrant was served. However, in the year following firearm removal, nearly one-third (29 percent) of risk-warrant subjects received treatment in the state system, suggesting the risk-warrant provided an entryway into needed mental health and substance use related services. In nearly all cases (99 percent), police found and removed firearms when they conducted a search, with an average of seven firearms removed per subject. It is estimated that there was one averted suicide for every 10 to 11 firearm removals—saving 72 lives over a 14-year period. See AMA Council on Science and Public Health Report 4-A-18, The Physician’s Role in Firearm Safety. <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/premium/csaph/physician-role-firearm-safety.pdf> (Citing *State v. Hope*, 133 A.3d 519 (Conn. App. Ct. 2016)).

Red Flag laws have been passed in 14 states and Washington, DC, and since the Parkland shooting last year, at least two dozen states have considered enacting similar laws. The AMA is supportive of federal efforts to incentivize more states to consider passing such laws, and applauds the Committee for holding this important hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Madara". The signature is fluid and cursive, with a large initial "J" and "M".

James L. Madara, MD