



The League of Women Voters of Delaware Urges Release of HB 222 Regarding Lethal Violence Protection Orders

presented at a hearing of the House Administration Committee on June 6, 2018

The League of Women Voters of Delaware urges the Committee to release HB 222 and seek speedy enactment.

(This legislation is also known as a "Family Knows Best," "Gun Violence Protective Order," or "Red Flag" bill)

If a family member or law enforcement can provide clear and convincing evidence that the individual poses a risk of imminent personal injury to self or others, a JP court could issue a lethal violence protective order. The order would suspend a person's right to own, possess, or purchase a firearm. It may prohibit the individual from residing with others who possess firearms and grant permission to law enforcement to search for and seize firearms.

A very small percentage of violence is attributable to mental illness, and most Delawareans with mental illness are not at risk for violent behavior. However, families at high risk need tools to help keep them safe.

A 2016 study by nine researchers out of Duke University looked at 14 years of data after the implementation of red flag legislation in Connecticut and found gun removals from individuals at risk may have prevented up to 100 suicides.¹ The finding reflects research that shows people who survive suicide attempts usually don't try again.

"A lot of times the people who have their weapons seized are not having a bad life — they're having a bad moment," a former Connecticut prosecutor quoted in the study said. Because suicide is often an impulsive decision, removing firearms from the immediate vicinity of a potential victim can reduce deaths. States with lower gun ownership rates have substantially lower suicide rates.

Another benefit of the Connecticut law, the study found, was that in 44 percent of cases, the request for a warrant resulted in the subject receiving psychiatric treatment they might otherwise not have received.

Following the Santa Fe, Texas, school shooting, the Governor of that state (rated an "F" by the Gifford Law Center on gun safety legislation), proposed enactment of a red flag bill in that state.

The Governor's *School and Firearm Safety Plan* suggested that "Such protective orders may not only protect the public but also protect dangerous individuals from themselves. Suicide is the 10th-leading cause of death in the U.S., with guns being the method most used.

"An individual is more likely to use a firearm to commit suicide than mass murder. In 2016, suicide accounted for 59 percent of deaths by firearms while homicide accounted for 37 percent. In that year, firearms were used in a majority (51%) of all suicide deaths. The orders contemplated by this proposal could have been used to prevent the shootings at Sutherland Springs and at Marjory Stoneman Douglas High School in Parkland, Florida."²

Prior to an act of violence, there are often clear warning signs that provide an opportunity to prevent tragedy. "80% of people considering suicide give some sign of their intentions, and 90% of those who attempt suicide are living with mental illness. There are numerous instances where an individual's family members or others in the community knew of potential danger before a tragedy but had no recourse to prevent violence."³

LWVDE deeply appreciates the General Assembly's passage of the Beau Biden bill. We see HB 222 as a companion that will earn its moniker as the "Family Knows Best" law and will mitigate risk of gun violence in many potential cases. We urge its release from Committee and speedy action on the floor.

¹ <https://www.thetrace.org/2016/09/gun-violence-restraining-order-suicide-reduction-connecticut/>

² https://gov.texas.gov/uploads/files/press/School_Safety_Action_Plan_05302018.pdf (Footnotes for statistics quoted in the Governor's Plan can be found at page 34 of this report.)

³ <https://www.txgunsense.org/p/LVPO%20one%20pager%20final%20as%20of%2002.12.17.pdf>