

Senate State, Veterans, & Military Affairs
 03/08/2023 Upon Adjournment
 SB23-170 Extreme Risk Protection Order Petitions
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Anthon Latimer Against themselves	The 4th amendment grants protections from unreasonable search and seizure. Red flag laws grant the seizure of personal property without trial.
Kristen BARA Against themselves	I oppose SB23-170. We have current Red Flag laws in place that infringe on the rights of law abiding citizens by confiscating their legally owned guns before a crime is even committed. This will expand the list of who can petition for an extreme risk protection order to include mental health care workers, medical care providers, educators, and district attorney's . This bill was brought forward under the guise preventing mass shootings like the Club Q, LGBTQ nightclub killer who by the way was a felon and should have never own a firearm to begin with. He illegally obtained these firearms like many of these mass shooters. Increasing these gun laws will do nothing to decrease these mass shootings in fact I argue they will encourage mass shootings as more law abiding citizens are being stripped of their gun rights. Mass shooters target environments where they know people will not be armed, like grocery stores as we experienced here in Boulder County. Red Flag laws are particularly scary because women in domestic abuse situations can have their firearms taken away by their abusive spouse putting their life at risk. Expanding these Red Flag law are dangerous, unconstitutional and will not prevent mass shootings. Please oppose this bill.
Diana Bara Against themselves	I opposed SB23-170 because it expands the Red Flag Laws. Red Flag Laws are a violation of our right to "Due Process." Regulating firearms, in any manner, is not among the powers listed in the Constitution for lawmakers. In fact, the document expressly forbids the federal government from doing so, stating in the Second Amendment that "the right of the people to keep and bear Arms, shall not be infringed." If the Federal Government is forbidden then so are state governments. There is no evidence that Red Flag Laws reduce gun violence. There is evidence that they can lead to more violence by leaving the accused defenseless from an abuser who filed the "Red Flag" against them. History proves that gun control, such as a Red Flag Law, does not save lives. It leaves the law-abiding citizens vulnerable and defenseless against a criminal environment, such as the one that our state legislators have created. It also leaves them defenseless against a government that is prone to oppress people, an occurrence that is increasing in our country. I would prefer that our legislators pass bills that are tough on crime, keep criminals off the streets, and not for more gun control for its law-abiding citizens.
Laurel Burns	RE: Extreme Risk Protection Orders Petitions

<p>For themselves</p>	<p>One only needs to watch local news for two or three days to realize that all the wrong people have guns and are using them to harm law enforcement and the general public.</p> <p>From pre-teens to domestic abusers, to violent criminals or the gun owner who is just unhinged and angry, guns have flooded our communities to the point where we live in a NEVER-ENDING BLOODY HORROR SHOW.</p> <p>The Gun Lobby seems to believe that the only valid right is the RIGHT TO KILL, and that those who disagree should just accept their role as expendable collateral damage. I believe that the majority of citizens expect, at a minimum, that they have the right TO LIVE. Children have the right to go to school without being shot at, or terrorized with threats of violence.</p> <p>As the current Extreme Risk Protection order protocol is underutilized and in some cases disregarded, SB23-170 is necessary for the public's health and safety. It is also extremely important that this bill includes educating the public about its use and implementation.</p> <p>Please VOTE YES on SB23-170.</p>
<p>Laura Jensen Against themselves</p>	<p>This bill is a violation of the Second Amendment and is also a violation of medical best practices.</p> <p>Red Flag/Extreme Risk Protection laws violate the Second Amendment by restricting the gun rights of Americans who may be law-abiding. These laws do not follow due process, but strip away constitutional rights without allowing the victim of these laws a trial or much recourse at all.</p> <p>These laws also violate medical best practices. This I know from both my research and my personal experience caring for a family member who struggled with suicidal ideation. When a person is suicidal, taking guns away is not enough. We have laws in place in this state authorizing an involuntary medical hold for individuals struggling with suicidal ideation. Those struggling are not allowed to access any possible risk, including pens or a hoodie with strings. They have regular access to medical professionals and are encouraged to seek therapy and a plan of action for handling thoughts of self-harm, violence towards others, and suicide. The laws under discussion today do absolutely nothing to truly help people suffering from those thoughts. The only contact with them is entry (often forceful) into their homes, treating them as criminals, and confiscating their best means of self-defense. This will not prevent someone from committing suicide and, if anything, treats them in such a manner that they are further encouraged to take their own lives.</p> <p>If this committee truly cares about the safety of the community and the safety of those struggling with mental illnesses, you will end and not expand extreme risk protection petitions and allow the individuals</p>

	<p>struggling with mental illness to seek real, professional help without depriving them of their constitutional rights.</p>
<p>Shana Rich Against themselves</p>	<p>March 5th, 2023</p> <p>I am writing in opposition to HB23-1219, SB23-170, SB23-168, SB23-169 and HB23-1230. I don't even know where to begin on the state and federal unconstitutionality of these bills. I'm somewhat glad that Covid has exposed the stripes and colors of our Politicians, showing them for what they really are. Totalitarian Authoritarians who are in violation of their Oaths of Office with the above legislation.</p> <p>We know already that these bills will do nothing to curb gun crimes. Look to areas with strict gun restrictive laws like LA, Chicago, Baltimore, NYC... Gosh. Criminals aren't supposed to have guns! The only thing these laws do is tie the hands of us law abiding citizens who just want to protect ourselves and have a nice day at the range. We also know from history (look to any Communist/Socialist regime) what happens when the populace is disarmed. Our founding fathers knew this, hence the 2nd Amendment.</p> <p>In addition to disarming the law abiding, those in support of this bill need to look ahead to the damage this will cause countless people. Gun shops and ranges will go out of business, this will put God knows how many individuals out of work. The law abiding will no longer have the option to defend themselves with a gun when faced with life threatening violence. But hey, I guess it's a small sacrifice for 'the greater good', right?</p> <p>Instead of trampling upon our rights, how about we treat criminals more harshly? The defund the police crowd have hamstrung law enforcement. Bail has been reduced. Police aren't allowed to do their jobs, so criminals are in a revolving door committing more crimes.</p> <p>By the same logic Democrats are using, guns are bad, therefore must be banned. Here's a partial list of other tools and activities that should be banned because they are dangerous. We no longer blame the criminal or user, but the tool, so here we go!</p> <ul style="list-style-type: none"> • Automobiles • Knives • Hammers • Sledgehammers • Axes/Hatchets • Screwdrivers • Chainsaws • Sugar • Alcohol • Tobacco

	<ul style="list-style-type: none"> • Illegal Aliens • Fentanyl / Heroin / Cocaine • Unprotected Sex <p>Sound ridiculous? You bet. As ridiculous as believing that a gun ban will keep citizens safe.</p> <p>Sincerely in Opposition,</p> <p>Shana Rich Colorado Springs, CO</p>
Salam Hindawi Against themselves	<p>Hello,</p> <p>I am a Colorado resident who opposes SB23-170 that expands so-called 'Red Flag Laws.'</p> <p>The reason I oppose the bill is because those laws represent a big 'red flag' on our gun rights (pun intended). So-called 'Red Flag Laws' can be used idiosyncratically and out of vengeance to strip a law-abiding citizen of their gun rights. Furthermore, those laws deny a law-abiding citizen the due process by taking away their gun/s with a simple judicial or executive order.</p> <p>What solves the issue of gun violence is NOT infringing on our constitutional gun rights that our Founding Fathers have fought for.</p> <p>Thank you.</p>
Thomas Greco Against themselves	<p>SB-170, is again in the wrong direction. If a person is such a threat to their person or others – they need to be removed for observation or detainment. Red flag laws can be used to harass people or have their property seized without due process. Violent people should not be free to unleash carnage with a gun, a car, a knife, or with fists – they need to be removed from the public.</p> <p>In states where we have seen an increase in gun restrictions, like Chicago, we have seen a dramatic increase in crime. If you truly want to reduce violent crime, two things must happen. First, the state must punish violent crimes. Second, the state should provide no barrier to the tolls of self-defense – the criminal must be afraid of the victim – there is no other way.</p>
Jon Stoll Against themselves	<p>The expansion of red flag laws are so rife with corruption and abuse, and so contrary to our legal system values of innocence until proven guilty, that this should be a complete non starter.</p> <p>I'm all for helping law enforcement and being proactive to stopping violence before it happens, but allowing a person to lose their rights without due process is totalitarianism. Is that what Democrats stand for these days?</p>
Dale Theiling For themselves	<p>As a concerned citizen of Colorado, I would like to state my position of support for SB23-170, expanding the use of extreme risk protection orders. Thank you.</p>

Peter Maher Against themselves	The concern is that family feuds or dating/ marital conflicts will cause false reporting to be spiteful of the individual. Also if taken away the ability to reclaim your property is cumbersome and daunting to get the return of the guns seized. If you change the rule, then make it a easier process with less hurdles for the individuals to reclaim there property.
Tom Verzuh Against themselves	<p>I am strongly opposed to SB23-170: Red Flag Expansion bill.</p> <p>This bill and the Red Flag law before it has not done anything in Colorado to prevent a crime and are not working around the county. It also eliminates due process of the law.</p> <p>If someone really is a threat to themselves or others, why would we keep them free to commit a crime. Why is this only focusing on guns. What about knives, cars, fire, etc.. If someone after some type of due process is deemed a threat to society then we need to put them in a facility to get the right care. Taking guns away won't stop them from using any other weapons. Look around the country and you will see all the lawsuits for these types of red flag laws and the failure of them. It is not going to solve the problem and will be used against people for no reason.</p> <p>Once again, the problem isn't the gun, it is the person using it.</p>
Mark Kaiser Against themselves	<p>Those that believe governments can prevent crimes before they occur may sound like sci-fi fantasy (which it is), but the threat such ideas pose to civil liberties is quite real.</p> <p>Compromising civil liberties and property rights to prevent acts of violence that have yet to occur are policies more suited for dystopian thrillers—and police states—than a free society.</p> <p>And in more than 25% of the cases, filed in Colorado, and mostly filed by family members, the cases did not include an explicit threat of violence and were subsequently dismissed.</p> <p>And according to the brother of Ahmad Al Aliwi Alissa, the Boulder King Soopers Shooter, Ahmad had been mentally ill for years. Yet nothing was done by the family.</p> <p>This only goes to prove that the Red Flag law has done absolutely nothing But yet proponents of this law say someone should have something so the guy didn't have the opportunity to obtain the gun. But this is just another example of "we have to something" while ignoring the root cause, "lack of mental health treatment" that is talked about constantly but nothing is done.</p>
Richard Werner For themselves	I support passage of SB23-170. Passage of the bill will reduce the incidence of gun violence by those who are at a high risk to cause gun violence. In addition, it will reduce the incidence of gun violence to those persons who are at a high risk.

<p>Agnes Holena For themselves</p>	<p>Gun violence is a very real fear that could affect anyone. SB23-170 looks and calls upon our state to take measures that can prevent these acts of violence before they occur. As a highschool student, I believe it is vital that my teachers could directly access the court to report warning signs prior to violent acts. As SB23-170 states "Nineteen states and D.C. have enacted red flag laws, and they have saved lives across the country." The time for change is now and I hope that future generations of students do not have to advocate for the same basic laws that I have to.</p>
<p>Thomas Wolfe Against themselves</p>	<p>I am against this bill for several reasons.</p> <ol style="list-style-type: none"> 1. It is arbitrary and it can be abused. There are examples in history where these kind of "tattletale" laws were used for settling personal vendettas. 2. It is unnecessary. There already are many ways citizens can report suspicious behavior and threats. 3. This is just another disguised attack against citizens rights.
<p>Anne Hickman Against themselves</p>	<p>The Extreme Risk Protection Order will do more harm than good. We have a major mental health crisis on our hands. This bill will cause adults who own guns not to seek help worried that they may get their guns taken away, even if there is no reason to suspect that they are a risk to themselves or anyone else. Parents of kids who need to seek help will be hesitant to take their kids for the same reason above. I also worry that this bill will lead to more of what my doctor or mental health provider is allowed to disclose. Please don't make our mental health crisis worse by passing this bill. I wish y'all would focus on that. Fix the mental health crisis, you fix the violence. If people are determined to commit murder, they will find a way, via motor vehicles, bomb, fires, knives.... Thank you for your time. Anne</p>
<p>Ian Estis Against themselves</p>	<p>The red flag law was blatantly unconstitutional to begin with. We have a constitution that protects us from unreasonable searches and seizures and gives us the right to testify and confront witnesses in court. Read the 4th, 6th and 14th amendment again! You took an oath to support the constitution! If you cannot handle that you should resign! Trying to further circumvent the constitution by adding more people with no authority to make such decisions further violates our rights. I will definitely vote against anyone who supports this bill and support all efforts to recall them!</p>
<p>Tiffany Taylor Against themselves</p>	<p>Hello my name is Tiffany Taylor I am a Colorado resident and a mother concerned for my child's future rights. In regards to SB23-170 This bill continues on a confiscation scheme by allowing additional "qualified" individuals including teachers and doctors to determine who will act out in dangerous and unlawful ways ahead of time and confiscate their firearms to prevent criminal acts from happening. Second Amendment rights are taken away based on mere speculation and hearsay. "Red Flag" orders, or Emergency Risk Protection Orders, are designed to empower the government to confiscate Americans' firearms WITHOUT ANY due process of law. This can lead to the violation of citizens' rights.</p>

	<p>You really have to be careful with this law. You have to look into the facts of the matter, not just what the person filing the order is claiming which judges sometimes dont take the time to do. This law would allow vindictive people to take guns away from others for no good reason potentially, And it puts deputies at increased risk of their livelihood. It's really a thin line you'd have to tread to not be infringing on peoples rights. This bill and the initial red flag bill lacked due process and allows judges to confiscate and limit a person's firearms and stop them from purchasing guns for up to 364 days. These are all reasons why I just can't support it.</p> <p>So today I urge you to vote no on SB23-170</p>
Kristine Peterson Against themselves	These flag law are unconstitutional. They are dangerous and will be used as political weapons. They are preemptive will no due process. An expansion of the flag law is unwarranted. This law needs to be struck down not expanded. The founding fathers are rolling in their graves.
Noah Shurz For themselves	Hi, my name is Noah Shurz and I go to East High School. The original ERPO law, also known as the Red Flag Law has been a good way to keep guns out of the hands of anyone who isn't stable enough to responsibly own a gun. The original law is amazing, if used correctly, it could take away guns from people that our mandatory reporter teachers, psychologists, psychiatrists, and district attorneys find to not be responsible. While there are arguments against ERPO, there is no reason that anyone who talks about shooting up a school, place of worship, or anywhere with a large group of people should own a gun. Please allow people in respected jobs to help ensure the safety of our state.
Matt Gillette Against themselves	This bill enables and encourages teachers, doctors and more to wield a power over those in their care and instruction that is well beyond the reasonable scope of their expertise. It seems that it's intended purpose is to give the Teacher or Doctor of a student or patient a very inappropriate role of power and control over others. when, instead, any such concern should be reported to the police who are trained to assess such things. We should not put these decisions in the hands of your teacher or doctor whose expertise is clearly in a different field.
Joseph Wilkey Against themselves	I am STRONGLY Against SB23-170 and others like it. They do nothing but hurt law abiding citizens that are constitutionally protected. Anyone that votes for this bill and others like it, should be removed from their post as they are voting against the Constitution of the United States of America. Which they swore to uphold! You are on the wrong side of the line and of history.
Tarif Ahmed Against themselves	I am vehemently opposed to this bill. It's disappointing, but not shocking to see such an abject violation of the United States Constitution show up in Committee. This bill violates our 2nd and 4th amendment rights.

	<p>First of all, multiple counties have passed laws stating they won't participate in this farce of a law. Secondly, if red flag laws were effective, why have so many violent people fallen through the cracks and still committed murder? The answer is because this law doesn't exist to stop would be criminals, it seeks to terrorize law abiding gun owners who now have to deal with paranoid, uneducated citizens who are scared of guns. Many of the mass shooters who committed violent acts here in this state were known to law enforcement and federal officials. No red flag law can stop law enforcement incompetence. If the feds won't add a flag to someone's profile based on legitimate complaints, how can you think this expansion of existing laws would be effective? The answer to that is it that it won't. It would only empower our ideologically driven District Attorney's to circumvent the US constitution and bully law abiding gun owners into forfeiting their rights.</p> <p>Please oppose this bill. Like the other gun control bills being served like a buffet, this won't amount to anything. It will be sued in court (see NYS) and you will waste more Colorado tax payer money fighting and losing to keep it a law.</p> <p>Try and remember that legislation passed in Denver applies to the WHOLE state, not just a few counties and towns in the metro area with residents who have less than 4 years of collective time in the state.</p>
<p>Jennifer Bird Against themselves</p>	<p>As a concerned citizen, I would like to point out that this bill will benefit PBI's (Politicians, Bureaucrats, and Interested Parties). The Office Of Gun Violence Prevention consists of unelected bureaucrats. Using funds annually for public education campaigns provides an excellent opportunity to abuse their positions and waste public funds.</p> <p>This bill also expands Colorado's "red flag" gun confiscation tactics. These "red flag" laws are clear violations of our second amendment rights, as they empower the government to confiscate American's firearms. Additionally, I will argue from a moral stance that it is unjust to declare someone "guilty" before a wrong has been committed. Therefore, it is a mistake to expand these immoral laws by allowing more individuals to act as "judge" and remove a citizen's firearm by mere speculation.</p> <p>Lastly, consider the abuse of power this bill allows. For instance, this bill allows a district attorney to strip a political enemy of his right to a firearm. This is not due process of law.</p>
<p>Kody Lostroh Against themselves</p>	<p>I, Kody Lostroh, am against this expansion of red flag laws just as I am against the existing red flag laws. There are no other constitutional rights that can be taken away without due process and this is a very slippery slope that we are playing with on these laws. It's already starting to play out with the first amendment as well with all the censorship in the last couple years. A constitutional right should be</p>

	<p>treated with the same respect and due process no matter what it involves. A government that eliminates due process to restrict a constitutional right becomes one step closer to a tyrannical government. The United States is not that type of government at the moment. We need to keep it that way.</p>
<p>Lauren Snyder None Mental Health Colorado</p>	<p>Good afternoon Committee: My name is Lauren Snyder and I represent Mental Health Colorado. We are neutral on SB-170. We felt the need to explain our neutral position on the bill so it can be part of the public record. We are supportive of Extreme Risk Protection Orders as an important tool in the effort to reduce suicide rates in our state. And SB-170 will now allow mental health professionals to petition for an ERPO when one of their clients may be at risk of self-harm. We appreciate the additional tool in the toolbox for mental health professionals when an ERPO may be appropriate. However, we as an organization also have significant trepidation about the possible chilling effects this bill may pose to people seeking or remaining in mental health care--specifically for people, especially men, living in rural Colorado. We fear that someone may be less inclined to seek mental health care because of the high value they place on gun ownership and the risk that their therapist has the power to petition for an ERPO. We are also concerned about the damage and mistrust an ERPO petition may cause to the therapeutic relationship for someone is currently engaging in services. However, we believe that mental health professionals will use their discretion and best judgement to weigh these potential outcomes against each other and use ERPOs as what they are – life saving options to preserve their client's life in cases of extreme risk. For that reason, Mental Health Colorado is a neutral on SB-170. Thank you, Lauren</p>
<p>Darrell Dinges Against themselves</p>	<p>Red Flag laws override individual rights as guaranteed by the U.S. Bill of Rights. Excising your to right of free speech could cause someone to be offended by this speech, leading to a protected order request. This law conflicts with the Second Amendment right to keep and bear arms. The Fourth Amendment states the right of people to be secure in their own homes and restricts seizure of property. The Fifth Amendments state property cannot be seized without due process of law.</p> <p>Additionally, a person may decide to not openly talks with a medical professional over concern of loss of firearm rights.</p> <p>If, educator has concerns about a parent's behavior, they can speak to law enforcement.</p>
<p>Sondra Emerson Against</p>	<p>My name is Sondra Emerson, I'm a CPA and mother of two daughters. I'm testifying against this bill that grows a list of those who can deprive</p>

<p>themselves</p>	<p>an individual of their constitutional rights. I'm against this bill for two reasons:</p> <ol style="list-style-type: none"> 1. It is an affront to our American ideals for one group of citizens to attempt to deny another their constitutional rights. The reason our Founders enshrined the Bill of Rights in the Constitution was to prevent exactly this type of abuse. The fact that this same type of law was passed a few years ago and now legislators seek to expand the list of those who can petition demonstrates the slippery slope by which those who disagree with the 2nd Amendment of our U.S. Constitution will continue to chip away. 2. The list of professionals who would be given control over the lives of fellow citizens is dangerous and irresponsible. What makes these classes of people so inspired as to give them the power to take away another's constitutional rights? We've learned through the Covid crisis that health-care providers and educators are fallible human beings who often make decisions based on group-think and self-interest, not on what is best for individuals involved. Study after study have proven that masks are ineffective, yet we were told by health-care providers and educators that we NEEDED to mask to prevent the death of others. Why should we blindly trust these groups with the power to take away another's rights? <p>It is clear to me that this is yet another in a long agenda-driven series by those attempting to deprive Americans of their 2nd Amendment right.</p> <p>No one class or group should hold power over another, yet here we are. Under the pretext of domestic personal relationships, this bill would give power to groups who would abuse that power and would give the agenda-driven anti-gun lobby another victory in their march to ultimately take away every American's God-given Constitutional right to keep and bear arms!</p> <p>Thank you, and please vote no against SB23-170.</p>
<p>Lis Hatgi Against themselves</p>	<p>I am opposed to any law that takes away a persons rights on the belief of a another person. And when it takes away their US Constitutional rights away before they commit any crime that's even worse. And not even a trial by a jury of their peers. How does that work in the United States of America?</p> <p>This is what SB23-170 looks to do. If someone thinks you shouldn't have a gun for whatever reason they come up with, then they can turn you in and boom! You just lost your 2nd Amendment rights! If you pass this, you will not be upholding your oath you made when you became a Colorado State Senator, to protect the US Constitution.</p>

	<p>Of all the gun bills you guys have proposed this has got to be the worst. You guys are doing a bang-up job increasing gun sales. Congrats!</p> <p>Please DO NOT Pass SB23-170</p> <p>Thanks,</p> <p>Lis Hatgi</p> <p>303-667-9186</p>
<p>Joy Davidson Against themselves</p>	<p>As I understand this bill, it expands the Red Flag Laws already in place.</p> <p>One, it is not constitutional and if you need to undermine our constitution to "govern", then you do not deserve the position you hold. It is a privilege and it should be held in the deepest respect. Treating citizens with whom you disagree, undermining their constitutional privileges, just so you can get what you want is not proper representation. You are servant leader; Please respect all people.</p> <p>Two, this law can be weaponized to cause harm to citizens by other citizens just because they don't like them and want to undermine their way of life.</p> <p>It is time to remember that you are elected officials, elected to represent the citizens. You are not in your position to represent your party. You are not in your position to tow the party line. There are a lot of citizens of this state, including myself, that are responsible gun owners and you need to represent US. Stop treating us like second class citizens, because guns are not the problem. The criminals are the problem.</p> <p>Spending time / effort undermining the constitution and the constitutional freedoms of some of this state's citizens while NOT holding criminals accountable for their actions is unacceptable.</p> <p>With all due respect, I am watching!</p>

Testimony as Submitted in support of SB23-170: Extreme Risk Protection Order Petitions by Hunter Nelson, Policy Analyst at the Colorado Children’s Campaign

Senate State, Veterans, and Military Affairs Committee

Mar. 8, 2023, Upon Adjournment

Old Supreme Court

Dear Mr. Chair and Members of the State, Veterans, and Military Affairs Committee,

My name is Hunter Nelson and I am a Policy Analyst at the Colorado Children’s Campaign. Together with our partner organizations and communities across the state, we advocate for the development and implementation of data-driven public policy that improves child and family well-being. We fight for a world in which, without exception, public policies and investments remove barriers for most impacted children and families and improve well-being for every child and every family. The Children’s Campaign is in strong support of SB23-170: Extreme Risk Protection Order Petitions.

Homicide is a leading cause of death among pregnant and postpartum women in the United States. Pregnant and postpartum women are more likely to die from homicide than from the three other leading obstetric causes of death. Most of these incidents involve an intimate partner and a firearm: One study found that 68% of pregnancy-related homicides between 2009-19 involved guns.¹ The United States has a higher prevalence of intimate partner violence than other countries, and much of this violence is fatal.

It doesn’t have to be this way. According to research from RAND’s Gun Policy in America initiative, state laws establishing firearm prohibitions for people subject to domestic violence restraining orders reduce total and firearm-related intimate partner homicides.² Firearm relinquishment laws are also associated with a substantial reduction in homicides of pregnant and postpartum women and people, according to research published in Health Affairs.³ This promising evidence should not be ignored.

Colorado has already implemented the usage of extreme risk protection orders (ERPOs) through the passage of HB19-1177, commonly known as the “Red Flag” law. But we need to take steps to ensure that the law is best serving and protecting people who are at risk of gun violence.

SB23-170 would expand who can file ERPOs to include licensed medical care providers, licensed mental health care providers, licensed educators and district attorneys. Expanding who can file petitions has the potential to save lives, especially for people who may fear retaliation from their abusers for personally filing ERPOs against them. Medical care providers, educators and district attorneys interface with community members regularly. This puts them in an ideal position to file ERPOs on behalf of their clients and patients in a way that preserves anonymity. As an organization that values maternal health, the Children’s Campaign firmly supports ERPOs and the expansion of who can file these petitions.

¹ [Homicide leading cause of death for pregnant women in U.S. | News | Harvard T.H. Chan School of Public Health](#)

² [Effects of Prohibitions Associated with Domestic Violence on Violent Crime | RAND](#)

³ [Firearm Relinquishment Laws Associated With Substantial Reduction In Homicide Of Pregnant And Postpartum Women | Health Affairs](#)

We also support SB23-170's requirement that the Office of Gun Violence Prevention expend funds annually on a public campaign to educate Coloradans on the availability of and how to file ERPOs. Our hope is that this would lead to more equitable statewide implementation of this important policy, supporting the health and lives of pregnant and postpartum women and people across the state. **Please vote yes on SB23-170.**

Thank you,

Hunter Nelson

Hunter Nelson

Policy Analyst

Hunter@coloradokids.org

Dear Committee Members,

My name is Jennifer Mitkowski and I am submitting written testimony today on behalf of myself. I am writing today in support of SB23-170. I am a healthcare provider who worked in family practice for over a decade. I have seen too many patients come in during a crisis and I have no recourse to keep them safe. I can ask them "do you own guns?" I can make sure those firearms are stored properly but I have no recourse to call anyone and alert them of the possibility of trouble. Outside of putting someone on an mental health hold, which is difficult and requires lots of qualifications that not all patients in crisis meet. I testified for ERPO initially and I am proud it passed, it is time to expand it. We have seen it save lives and it is time to allow the bill to save more lives. By allowing healthcare workers, mental health workers and educators to report- you are allowing more lives to be saved. These groups of workers are closely involved in the lives of our patients and are often the first to recognize a real issue. By relying on only family to report we miss opportunities, this bill can also allow some of that burden to come off the family.

Thank you for your time today.

Jennifer Mitkowski

Resident, Highlands Ranch HD 43

Rational Perspectives on Firearms

Ten Questions and Answers Based on
Facts, Data, Evidence, History, Common
Sense and Logic, not Feelings

By Dr Michael Gaeta
Boulder, Colorado

v.1 February 8, 2023

1

Question #1:

Does changing a state to
Constitutional Carry (no permit
needed to carry) increase or
decrease murder rates per capita?

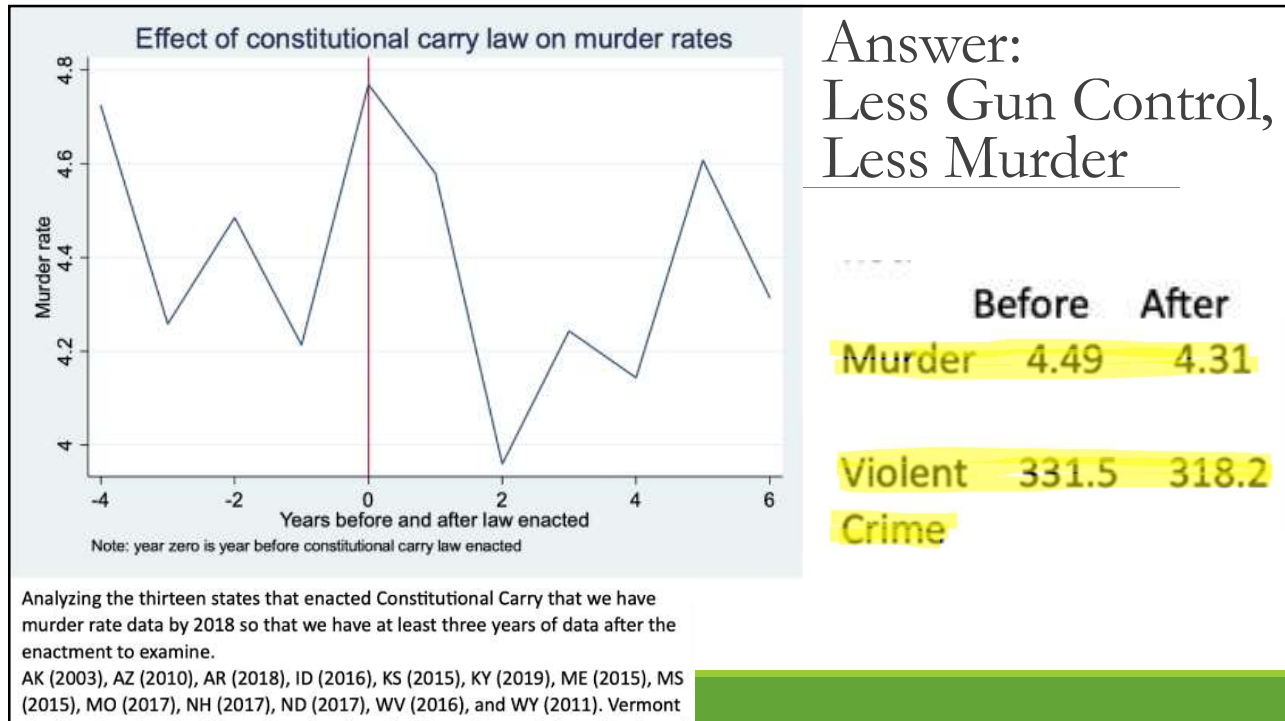
2

The screenshot shows the CDC WONDER website interface. At the top, there is a search bar and navigation links for FAQs, Help, Contact Us, and WONDER Search. Below the navigation bar, there is a secondary search bar and social media icons for Facebook, Twitter, LinkedIn, and Email. The main content area features the article title "CDC Data Shows Constitutional Carry States Have Fewer Total and Gun-Related Homicides" by Konstadinos Moros, dated October 4, 2022, with 78 comments. The article text states: "The average overall homicide rate among the sixteen constitutional carry states in 2020 was 6.9 per 100,000, beating the national average of 7.5 per 100,000. Perhaps more surprisingly, constitutional carry states also saw a lower gun-related homicide rate: 5.3 per 100,000, compared to the national figure of 5.9 per 100,000." A green horizontal bar is at the bottom of the screenshot.

3

The slide is titled "Changes in Crime and Killings of Police After Constitutional Carry Adopted" and is presented by the Crime Prevention Research Center. It includes the date "Jan 23, 2022 | Constitutional Carry, Original Research" and notes that information is provided by Professor Carl Moody, who is the Research Director for the Crime Prevention Research Center. A brief biography of Dr. Carlisle E. Moody (1943-) is provided, stating he is an American economist, criminologist, and professor at the College of William & Mary. His education is listed as a B.A. in Economics from Colby College, and M.A. (1966) and Ph.D. (1970) in Economics from the University of Connecticut. A small portrait photo of Dr. Moody is included. The slide concludes with the text: "Data from this study are presented on the following slides". A green horizontal bar is at the bottom of the slide.

4

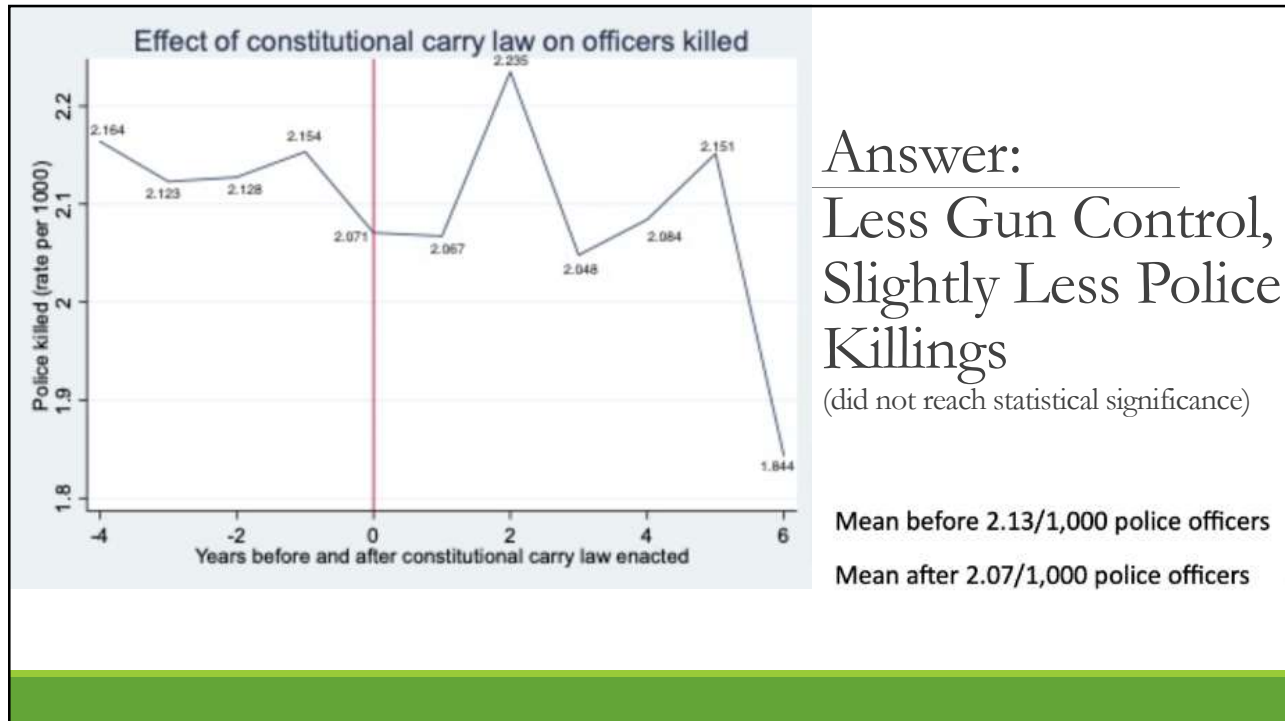


5

Question #2:

Does changing a state to Constitutional Carry increase or decrease the number of police officers killed per capita?

6

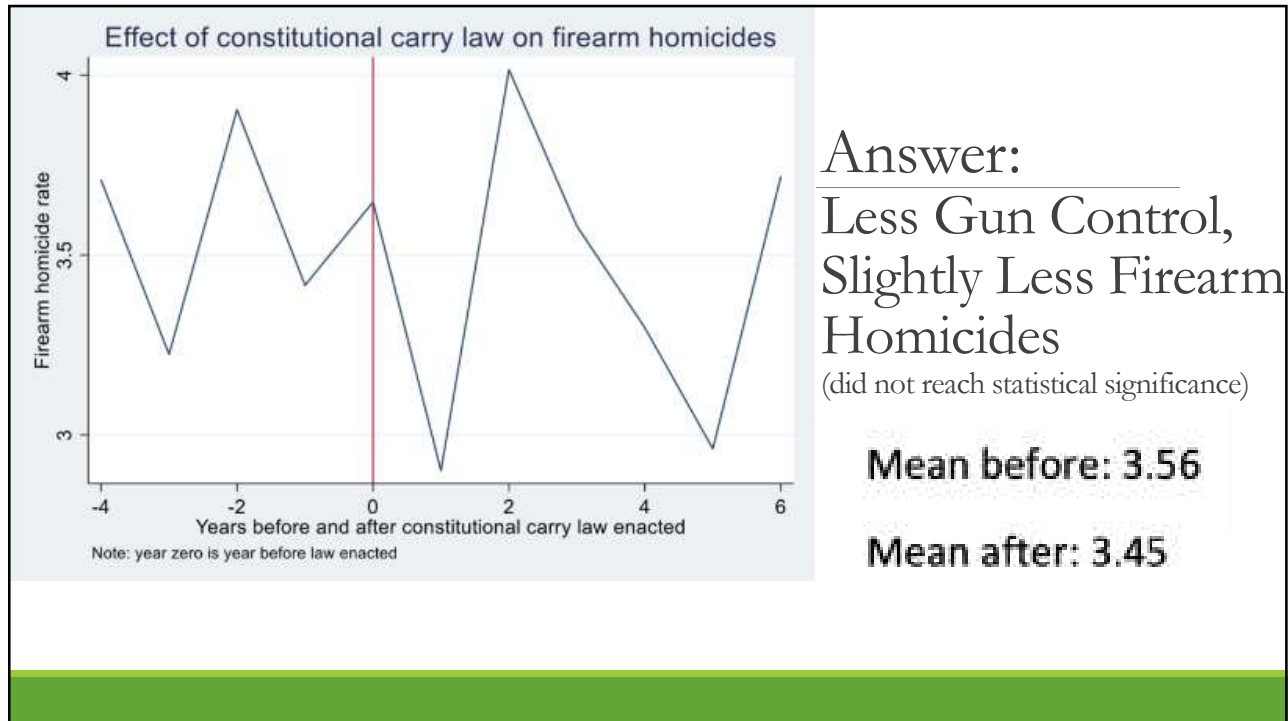


7

Question #3:

Does changing a state to Constitutional Carry increase or decrease the number of firearm homicides per capita?

8



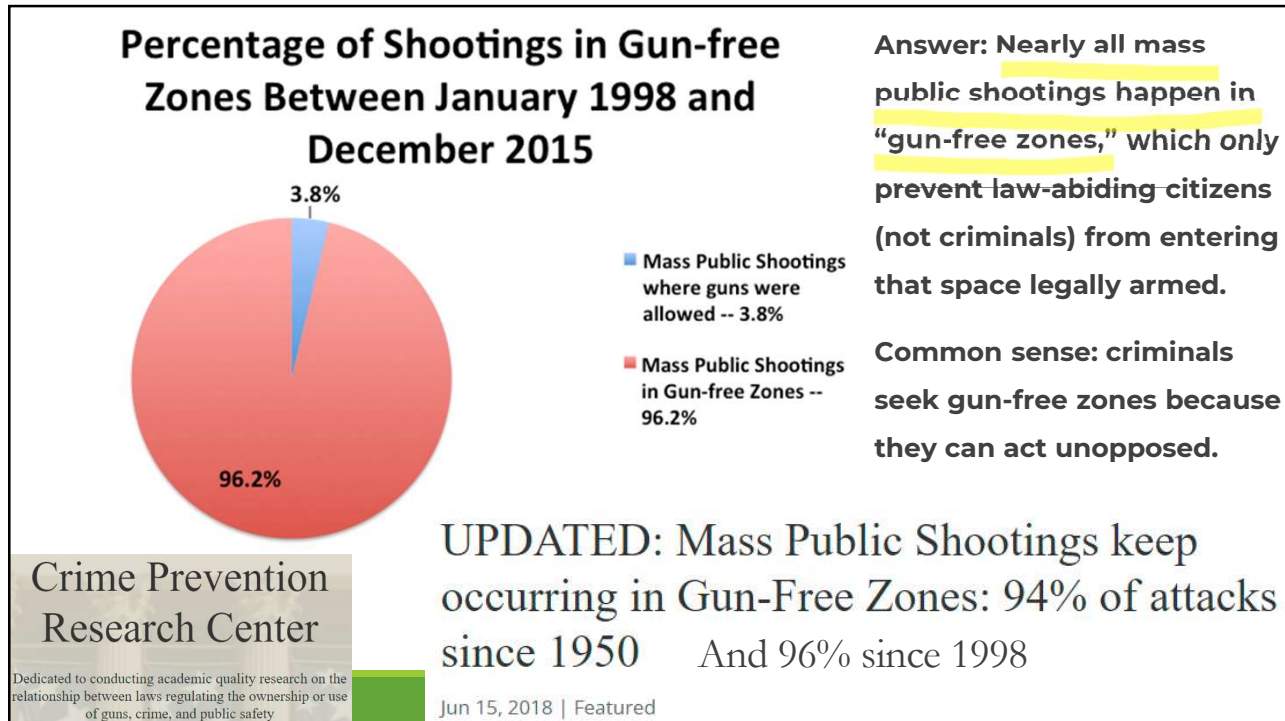
9

Question #4:

Do gun-free zones prevent mass shootings?

Fact: twice as many deaths per year per capita from lightning strikes than mass shootings

10



11

Relevant Statistics:

- # of US school (gun-free zones) shootings since 1970: 2,032, half (948) since 2013
- # of mass shootings at police stations: 0
- # of mass shootings at gun shows: 0
- # of mass shootings at shooting ranges: 0
- # of shootings at gun stores: 1 (not a mass shooting: only 1 employee killed)

Theme: Good guys with guns deter or prevent gun violence

12

Why are school shootings a relatively recent thing?

Why were there no school shootings in the 1950s?

That's an interesting thing, since where guns in the 1950s were much more readily available, even in the schools. There were school rifle clubs. People brought guns to school. - Larry Correia, CPA, Author

So the issue, as always, has nothing to do with access to guns of any type. The issue is more difficult and complex, which has to do with a decline in moral character, especially in younger people, and mental illness, including a massive increase in psychotropic prescription drugs.

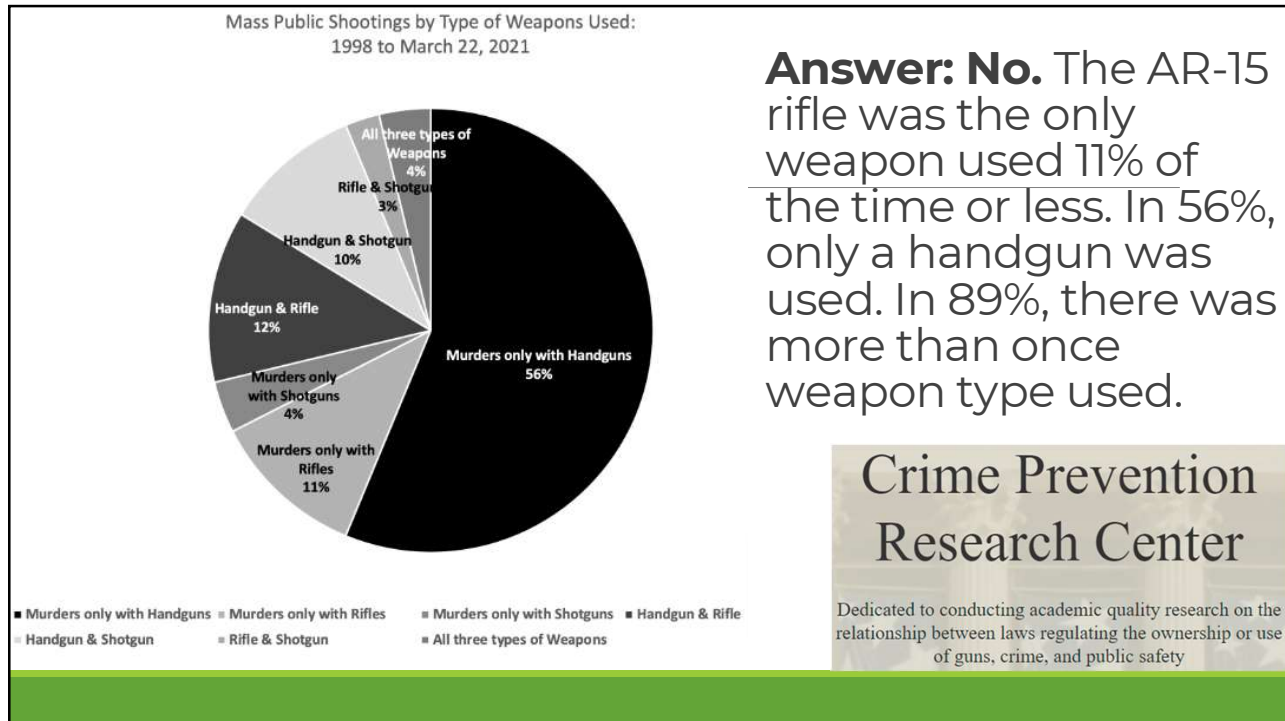
13

Question #5:

Is the AR-15 the weapon of choice for mass public shooters?

As of 2020, there were about 20 million AR-15-style weapons in the country, according to the National Shooting Sports Foundation, a trade association.

14



15

Question #6:

Was President Biden lying again when he stated, on May 24, 2022, “When we passed the assault weapons ban, mass shootings went down. When the law expired, mass shootings tripled.”

16

Answer:

Yes, another complete fabrication / disinformation.

Fact: There was no drop in the number of attacks with assault weapons during the 1994 to 2004 ban, perhaps because criminals are not affected by gun control measures.

Fact: If Biden's claim is correct, we should see a drop in the percent of attacks with assault weapons during the federal ban period and then an increase in the post-ban period, but the exact opposite is true.

Fact: eliminating the assault weapon ban had no effect on the number of attacks with assault weapons, but increased attacks that used other types of weapons.

Details at crimeresearch.org/2022/05/biden-on-assault-weapons

17

Question #7:

Would an “assault weapons” ban reduce gun homicide?

18

Answer: No.



RESEARCH REPORT

Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994

Jeffrey A. Roth, Christopher S. Koper, William Adams, John E. Marcotte, Doug Wissoker

March 13, 1997

1997 study commissioned
and funded by the US
Department of Justice

“At best, the assault weapons ban can have only a limited effect on total gun murders, because the banned weapons and magazines were never involved in more than a modest fraction of all gun murders.”

19

Q. What About the Follow-Up 2004 DOJ Study?

A. Same conclusion: “AWs [assault weapons] and LCMs [large capacity magazines] were used in only a minority of gun crimes prior to the 1994 federal ban,” “relatively few attacks involve more than 10 shots fired,” and “the ban’s effects on gun violence are likely to be small at best and perhaps too small for reliable measurement.”

Fact: Presented with overwhelming evidence of the 1994 ban’s inefficacy, Congress chose not to renew the gun-control measure.

20

Question #8:

Do gun control measures keep guns out of the hands of criminals who use guns to commit crime and murder?

21

Answer: No.

Gun control measures only disarm law-abiding citizens that use guns not to shoot people, but to defend themselves, their families, homes and businesses from violent attack where someone's life is in danger.

Criminals, by definition, do not care if they obtain firearms legally, and are unaffected by gun control measures.

22

Hard Truths About Human Nature

Throwing millions of people in jail for illegal drugs did nothing to decrease these drugs – they just went underground. If people want drugs, they will find a way to get them, regardless of anti-drug laws.

If people want to commit violence on others, they will find a way to do it, with a gun, bomb or knife, regardless of anti-weapon laws. We have seen this all over the world, at all times and in all nations.

23

Another measure as nonsensical as banning the AR-15, the most popular firearm in the USA

Fact: 43,000 people were killed in traffic fatalities in 2021, according to the National Highway Traffic Safety Administration, a 10% increase from 2020.

Most common type of car: Toyota

Solution: ban all Toyota vehicles

24

Question #9:

Do gun control measures
reduce crime?

25

Answer: No, they increase crime, a lot.

Legally-armed, law-abiding citizens **prevent** thousands of crimes per day, usually without a shot being fired.

The right to obtain a firearm legally is more important than the firearm itself, because guns effectively act as a **deterrent**.

Worst-case scenario: more gun control, so that only the bad guys have guns, and citizens can't defend themselves.

26

	Original language	English (US)
	Pages (from-to)	1-8
	Number of pages	8
	Journal	Journal of the American College of Surgeons
	Volume	228
	Issue number	1
State	Published - Jan 2019	

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State Level Firearm Concealed-Carry Legislation and Rates of Homicide and Other Violent Crime

Mark E. Hamill, Matthew C. Hernandez, Kent R. Bailey, Martin D. Zielinski, Miguel A. Matos, Henry J. Schiller

Quantitative Health Sciences, Trauma, Critical Care and General Surgery

Research output: Contribution to journal > Article > peer-review

27

Abstract

Background: Over the last 30 years, public opinion and state level legislation regarding the concealed-carry of firearms have shifted dramatically. Previous studies of potential effects have yielded mixed results, making policy recommendations difficult. **We investigated whether liberalization of state level concealed-carry legislation was associated with a change in the rates of homicide or other violent crime.** Study Design: Data on violent crime and homicide rates were collected from the US Department of Justice Uniform Crime Reporting Program (UCR) and the Centers for Disease Control and Prevention (CDC) over 30 years, from 1986 to 2015. State level concealed-carry legislation was evaluated each study year on a scale including “no carry,” “may issue,” “shall issue,” and “unrestricted carry.” Data were analyzed using general multiple linear regression models with the log event rate as the dependent variable, and an autoregressive correlation structure was assumed with generalized estimating equation (GEE) estimates for standard errors. Results: **During the study period, all states moved to adopt some form of concealed-carry legislation, with a trend toward less restrictive legislation. After adjusting for state and year, there was no significant association between shifts from restrictive to nonrestrictive carry legislation on violent crime and public health indicators. Adjusting further for poverty and unemployment did not significantly influence the results. Conclusions: This study demonstrated no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime.** Policy efforts aimed at injury prevention and the reduction of firearm-related violence should likely investigate other targets for potential intervention.

28

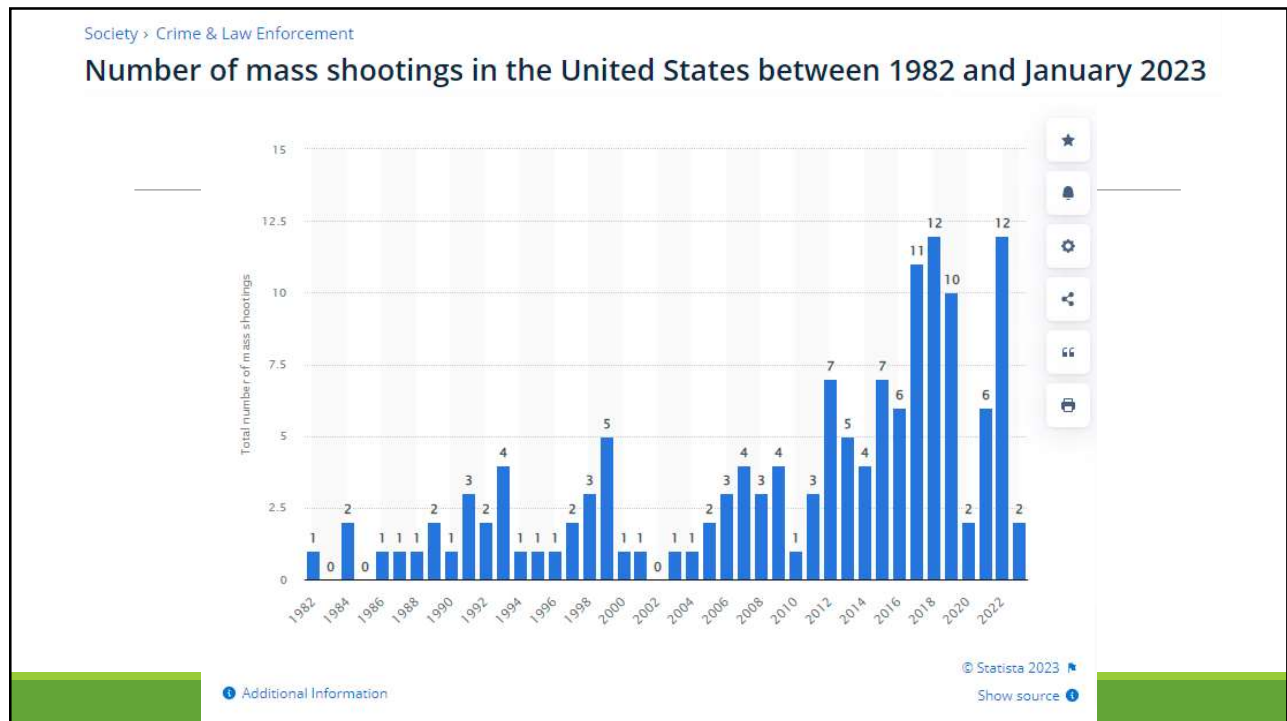
Guns are not perfect, but they help a lot, in the hands of law-abiding, responsible citizens.

Guns are not perfect. They aren't going to stop these events from happening. A fire extinguisher doesn't stop fires from happening, either; it just helps you deal with the damage faster than waiting for the fire department.

It's the same thing with applying CPR or doing first aid. It's not as good as a trauma surgeon. It's not going to cure the problem, but it can save lives.

Concealed carry is no different. It's all about how long it takes for us to get a response there. And if that response comes from us, we're better off. If that response comes from outside (law enforcement), we have to wait for it. It's really simple. It's just simple math. - Larry Correia, CPA, Author

29



30

Question #10:

Since gun control measures have never actually helped, why are they so popular with a loud minority of Americans?

31

Answers:

1. Gun control is a simplistic solution to a complex problem. Gun violence has increased over recent decades, while legal access to firearms has decreased in high-crime areas. So the problem is not and never was guns. It's people, and people are complex. Banning guns is simple, though ineffective.

2. It feels good, even though it doesn't actually DO any good. We see tragic mass shootings, and want to "do something." And rather than do the hard work of addressing root causes - mental illness, moral education, making sure children have fathers in their lives, etc., - it's much easier to blame an implement, an inanimate object, and reduce access to it, so you can feel good.

32

Practical Solutions

33

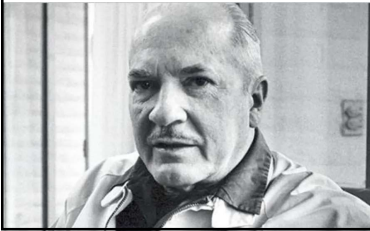
Solutions That Would Actually Help (unlike more gun control or bans)

1. Actually prosecute criminals – tough on crime policies
2. Education about safe gun handling, carrying, storage
3. Expand mental health and suicide (61% of all gun deaths) prevention programs
4. Help fathers be part of their son's lives in inner cities
5. Constitutional carry in all 50 states (currently 25); end gun-free zones
6. Arm school staff (or pretend that you did with a sign)
7. Publicly funded firearms training for citizens

34

“An armed society is a polite society. Manners are good
when one may have to back up his acts with his life.”

— Robert A. Heinlein, *Beyond This Horizon*



Written Testimony in opposition to: (SB23-170) Extreme Risk Protection Order Petitions
(Handouts attached.)

Thank you, Chair and Committee

My name is Robert Edmiston. I am with the Firearms Coalition of Colorado an all-volunteer NRA- affiliate grassroots organization dedicated to the protection of individual rights and public safety.

I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master's Degree in Psychology, Counseling and Guidance.

I am writing in opposition to the bill under consideration. We appreciate the efforts of the sponsors, but we do not believe that our many concerns can be resolved. We have problems with the underlying Extreme Risk Protection Order (ERPO) legislation, as well as the expansion to additional categories of persons who can file a petition to destroy the right to individual armed self-defense recognized by the Second Amendment without meaningful, up-front due process.

We believe this bill will lead to unnecessary confrontations between police and law-abiding gun owners, resulting in danger to both officers and civilians.

(Please see Handout #1 regarding the dangers of red flag bills)

Based on historical evidence that weapons control is selective, often discriminatory, and favors the rich and powerful, we believe this bill is uniquely subject to individual bias, since a single judge, ruling in an ex parte hearing, is likely to be influenced by the relative wealth, power and social standing of the accuser and the absent accused.

(Please see Handout #2 regarding the racist origins of gun control)

We oppose this bill, because we believe it will discourage gun owners from seeking potentially beneficial mental health or medical treatment, if the individual perceives a service provider as an agent of a government that seeks to disarm him or her. Mental health workers, medical personnel, and educators may have a conscious or unconscious bias against gun ownership that causes them to see threats where none exist. Giving educators the power to petition for an ERPO will have a chilling effect on parents' First Amendment rights to express their opinions regarding school curriculum and teachers' actions regarding their children.

In California in 2016, following passage of a Red Flag Law, 86 temporary ERPOs were filed. Only 10 of those orders resulted in longer-term denial of Second Amendment rights. That means 76 innocent gun owners were subjected to the danger of armed police confrontations, had their firearms confiscated, and were probably forced to bear the costs of legal counsel and potential damage to their guns.

Even though Colorado Law provides counsel at a second hearing, the damage to the innocent individual has already been done through the ex parte hearing and the

government invasion of the citizen's home, before any allegations have been subject to cross examination. We believe the bill is a violation of due process and easily subject to abuse by estranged family members, biased educators, biased medical and mental health workers, and/or former significant others.

We urge a "No" vote on this measure.

Thank you.

Robert Edmiston
Volunteer Lobbyist
The Firearms Coalition of Colorado

Testimony of Peggy A. Houchin, March 8, 2023,

Testimony in opposition to SB23-170, SB23-169, SB23-168, SB23-1219

My name is Peggy Houchin and I live in Loveland, Colorado (Larimer County). I am actively involved with training and educating women regarding firearms usage and safety. I am a Facilitator for “A Girl & A Gun” which is a national organization that promotes and encourages women to get firearms training in a safe and nonjudgmental environment. I am passionate about the 2nd amendment and the right for US citizens to own and use firearms.

I am testifying in opposition to SB23-170, SB23-169, SB23-168, SB23-1219. Approximately 3 years ago, I was taking my dog to the groomers in downtown Loveland. I pulled into their small parking lot and got out of my car to drop off my dog Mitzi. On the way back to my car, a man in a car next to me, began to yell very vulgar obscenities at me. I had absolutely no idea why and before I got to my car, he got out of his car and started towards me with pepper spray. I yelled at him and told him I was going to call 911 and he said “go ahead bitch” call them. I took a photo of his license plates and got back into my car and drove away. I was absolutely terrified and didn’t stop shaking until I got home. I contacted the local police who said that it was “assault” and that they would arrest him if I pressed charges. After some discussions with an attorney and the fear of repercussions, I decided to drop it. However, it impacted me in a very negative way, and based on that incident, I’ve become more passionate about my own safety by carrying a firearm and training other women to protect themselves.

During this incident, several bystanders saw what was happening (including the grooming shop owner) and NO ONE offered to help me. We truly are our own first responders!

I have a chapter of A Girl & A Gun in N. Colorado of nearly 70 women ranging in ages from 18-87. In addition, I have taught many, many women in my Women’s Handgun and Self Defense class and the stories that they share regarding stalkers, angry ex-husbands and boyfriends that have threatened them and their children is mind boggling and tragic! These incidents prompt these women to want to protect themselves with a handgun either as concealed carry or home defense.

Both of these over-reaching bills: limiting the age to purchase a firearm to 21 and a 3 day waiting period **absolutely** put these women and their children in danger! There are many single moms in Colorado who are under the age of 21 and their constitutional right to protect themselves would be stolen. Responsible gun ownership and gun safety should be the focus of this Legislature instead of taking away rights of law abiding citizens of Colorado.

I STRONGLY urge you to oppose these bills.

Respectfully submitted,

Peggy A. Houchin

NRA & USCCA Certified Instructor

Facilitator – N. Colorado A Girl & A Gun

TESTIMONY for MARCH 8, 2023
Senate State, Veterans, and Military Affairs Committee
CONCERNING SB23-170: EXTREME RISK PROTECTION ORDERS

My name is Susan Hahn. I am submitting this written testify in strong support of SB23-170. I submit this testimony as a member of Colorado Faith Communities United to End Gun Violence, a multi-faith coalition of approximately 50 faith communities in Colorado. I have already emailed the members of this committee so I will quickly summarize here, and I refer you to the citations I provided in the email which support my testimony. CFCU strongly supports SB23-170 because:

(1) Under the current statute, only family members or law enforcement agencies may file a petition for an extreme risk protection order. This list should be expanded because family members and law enforcement sometimes fail or refuse to file ERPO petitions, potentially leading to unnecessary deaths. For example, the accused Club Q shooter was arrested in 2021 after being accused of making a bomb threat that led to a lengthy armed standoff with SWAT teams. Although two guns were seized and not returned to the suspect in 2021, charges were dropped when the family refused to cooperate, and neither the family nor law enforcement filed an ERPO petition. The suspect was free to purchase additional weapons.

(2) Other examples of how ERPO laws *could have* prevented gun violence are helpful to this discussion. There was a school shooting in St. Louis, Missouri. In that case, the 19-year-old gunman was able to legally acquire an AR-15-style assault rifle and more than 600 rounds of ammunition. Motivated by concern for the shooter's dangerous behavior, the gunman's mother reportedly contacted St. Louis police days before the incident to have the gun taken away from her son. However, Missouri law does not allow for an "extreme risk protection order" and the gun was transferred to a third party known to the family. An ERPO could have prevented the shooter from re-procuring that gun.

(3) Studies show that ERPO laws are effective at preventing firearm violence, and these proposed amendments will strengthen Colorado's ERPO law. In the first three years of California's red flag law (2016-2018), UC Davis studied 58 cases that involved threats of mass shootings--that never happened. Researchers at UC Davis Health Violence Prevention Research Program found ERPO laws do prevent violence.

(4) Family members can naturally be hesitant to file an ERPO petition regarding a loved one, out of loyalty or fear of losing the relationship. This bill allows additional professionals who have had recent contact with the individual to file petitions, including certified teachers, school counselors, licensed health care providers, mental health professionals, and district attorneys.

(5) Some Colorado law enforcement offices have refused to use ERPO to remove firearms from dangerous individuals, and instead, some county officials designate their counties as "Second Amendment preservation counties." I am an attorney and I am aware that the Second Amendment is not under threat. The courts have no qualms in protecting Second Amendment rights, but who is protecting our rights to be free from injury or death from gun violence?

(6) Many Coloradoans are still unaware of ERPO, how it works and who is allowed to file a petition. Under this Bill, the new Office of Gun Violence Prevention will be required to use some of its funds on a public education campaign.

On behalf of myself and the dozens of faith communities throughout Colorado that are members of CFCU, **I ask that you vote YES on SB23-170.** Thank you.

Susan Hahn