

INSTITUTE FOR LEGISLATIVE ACTION

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NRA

March 22, 2023

House Judiciary Committee
124 N Capitol Ave, Room 521
Lansing, MI 48933

Madam Chair and Members of the Committee,

On behalf of the members of the National Rifle Association in Michigan, I am writing to urge you to oppose Senate Bills 83-86 and House Bills 4145-4148. This legislation would create a new class of restraining order, deemed an “extreme risk protection order”, that seeks to prohibit a “high risk” person from possession, acquisition or custody and control of firearms. This proposal is disconcerting because it allows for the infringement of Second Amendment and property rights based on third-party allegations, low evidentiary standards and without notification of the defendant.

Michigan’s Mental Health Code already allows for the apprehension and detention of persons – not just weapons – who meet the standard of a risk to themselves or others.

Under the Michigan Mental Health Code, Act 258 of 1974, Section 281a. A court may order involuntary treatment for an individual if the individual presents an imminent danger or imminent threat of danger to self, family, or others, or if a substantial likelihood of the threat of danger in the near future exists.

The individual may then be involuntary committed for mental health evaluation for a period not longer than 72 hours.

Unlike these existing procedures and contrary to what these “extreme risk protection orders” purport to do, nothing in this bill package is tied to a person being apprehended, evaluated, or treated for the underlying mental condition or illness, which perpetuates the idea that a person who is too dangerous to be trusted with a gun because of third-party allegations, is fine to be left alone once firearms are taken away. Nothing in this bill even suggests that a court has the power or obligation to order a mental health evaluation once an order is granted.

In fact, the only time the words mental health appear in this bill package is on page 4, under the list of individuals who may file a petition for an extreme risk protection order.

Section 5. Any of the following may file an action under this section:

1. The spouse of the defendant
2. A former spouse of the defendant
3. An individual who has a child in common with the defendant

4. An individual who has or has had a dating relationship with the defendant.
5. A family member
6. A law enforcement officer
7. **A mental health professional.**

This will seriously disincentivize those who are thinking about seeking help from getting the help that they need if they believe their private conversations with a mental health professional will result in them losing their constitutional rights.

On top of a no-notice, surprise confiscation of your firearms by law enforcement, the bill requires the defendant's employer to be notified as well. So not only have you lost your firearms, but you've likely been let go from your job before you've stepped foot in a courtroom.

There are other concerns with the legislation and its implementation. For example, there are no provisions in the legislation to require the removal of any dangerous items that are not firearms (drugs, knives, cars), which undermines the public safety justification for the bill. The Centers for Disease Control (CDC) reports that firearm mortality in Michigan is half that of drug overdoses. This far broader problem is unfortunately not addressed in this measure.

In reality, the proponents of this bill want you to believe that individuals who are not dangerous enough to arrest, prosecute, commit to a mental institution, or subject to a restraining order are still too dangerous to exercise one right and one right only, the right to "Keep and Bear Arms." This is a proposition that will not save lives or improve public safety. It will, however, lead to people losing their rights without justification.

Once again, I respectfully request you vote no on these bill packages.

Thank you,

A handwritten signature in black ink that reads "Scott Jones". The signature is written in a cursive, flowing style.

Scott Jones
Michigan State Director
NRA Institute for Legislative Action