



Written by [Luis Miguel](#) on December 23, 2022

Democrats Preparing to Expand State Red Flag Laws

Democrats are quickly moving to clamp down on the Second Amendment with plans to update red flag laws in a number of states in order to make the confiscation of legally owned firearms that much easier.

Currently, 19 states and the District of Columbia have red flag laws on the books. Also known as extreme risk protection orders, or ERPOs, red flag laws allow individuals such as police officers, teachers, or family members to petition a court to confiscate guns from those deemed a danger to themselves others.



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But in many of the states with red flag laws, Democrats are dissatisfied with what they see as barriers to enforcement, and want to use the upcoming legislative sessions to rewrite these laws so as to expand them.

“Passing laws is half the equation and implementing them is the other half,” John Feinblatt, president of the pro-gun control Everytown for Gun Safety, told [Politico](#). “What we’ve seen in too many instances like in Buffalo, N.Y., and Highland Park, Ill., there were clear signs that a red flag law could have been used and prevented tragedy. The costs are too high to not focus on implementation.”

Notably, Everytown [launched a resource center](#) earlier this month that is billed as a “first-of-its-kind effort to provide comprehensive support and guidance to state and local leaders on the effective implementation of lifesaving gun laws.” The launch was made possible by a \$2 million investment.

One state where Democrats are already moving to expand gun control is Illinois. Democratic state Representative Bob Morgan, who attended a July Fourth parade in Highland Park that became the site of a mass shooting that left seven dead and 48 wounded, is pushing a bill that would crack down on guns coming in from other states, expanding upon a measure signed into law by Biden that makes interstate gun trafficking a federal crime.

Another measure set to be introduced by Illinois Democrats is a civil liability bill targeting gun owners. Elements within these two bills would deal with red flag laws, increasing the restraining order from the current six months to an entire year. Additionally, the legislation would give prosecutors greater power in filing a firearm restraining order.

“The community, regardless of your political persuasion, thinks it’s time for common-sense gun reforms,” Morgan said.

Opponents of red flag laws, however, argue that such legislation erodes due process and the Second Amendment.

“Enacting a so-called red flag law or any additional gun control is not the answer for any of the problems that might be facing society,” Kentucky state Representative Savannah Maddox [told](#) WYMT. “In fact, I think we need to take a long hard look at the fact that where a lot of these tragedies occur, they happen in so-called gun-free zones,” locations in which “law-abiding citizens have been stripped of



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the abilities to protect themselves and their families.”

In some states, such as Colorado, Democrats seek to expand who can legally file a red flag petition, going beyond family members and police officers to include district attorneys, the attorney general, and social workers.

New York has shown how use of ERPOs can expand when policy is enacted to encourage them. Since Democratic Gov. Kathy Hochul signed a 2019 executive order directing state police to seek more red flag orders, their use has more than doubled. This was thanks in part to \$4 million in funding dedicated to implementing the red flag law.

Use of red flag laws varies even in those states that have adopted such legislation. *Politico* notes:

Some police officers and judges have relied heavily on these laws as a public safety tool. In Florida, where a GOP-controlled legislature passed a red flag law in 2018, orders were invoked more than 8,000 times. New Jersey, Washington, Maryland and Rhode Island are also held up as model examples.

But other states, like New Mexico, barely use their red flag rules. Just nine petitions for court orders allowing gun seizures were filed in the two years following passage of a New Mexico law. Only five orders were approved.

Some point to enforcement gaps as missed opportunities to avoid a particular mass shooting.

Meanwhile, in Michigan and Minnesota, Democrats want to make use of their new leadership to pass stronger gun-control measures.

Constitutionalists must continue to resist red flag laws, which allow for one of the most flagrant violations of civil rights. Not only do ERPOs fly in the face of the Constitution, but they are an obvious ploy by the Left to permit political targeting in order to disarm those who may be deemed a public “danger” for holding the “wrong” political beliefs.



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