

Chairwoman Moller and committee members -

Thank you for the opportunity to testify before the committee regarding HF 15. I am writing to testify in opposition of the bill.

The proposed modifications to Minnesota law in this bill have so many issues with US citizens' rights it is difficult to know where to begin.

First, Extreme Risk Protection Order laws, aka Red Flag laws, violate the Fifth Amendment to the US Constitution because it allows for a person to be deprived of property without due process through 1) an ex parte hearing in the case of an emergency order (Sec. 5) or 2) a hearing after at most 5 days of preparation by the respondent.

Next, this bill requires only a "preponderance of the evidence" for a court to seize a citizen's property. This is a weak standard for depriving someone of an individual right.

Additionally, this bill requires a respondent to "bear the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm" to terminate an order. This is the equivalent of finding someone guilty until proven innocent.

This bill is not a personal protection bill because it only impacts a citizen's access to firearms, this bill does nothing to protect a citizen from cars, hammers, ropes, or other means to harm themselves or others.

Minnesota already has options to protect an individual and society from an individual they believe to be a risk to themselves or others but they are "burdensome" because they include the protections for the individual's rights as well. This bill looks to remove some of those protections.

Finally, should this bill pass and be signed into law it is my hope that it will be quickly challenged in court and ruled unconstitutional. This hope is bolstered by the ruling in a New York court in the case of G.W. v C.N. which was decided in December 2022. This ruling used the US Supreme Court's decision in NYSRPA v Bruen to hold that these Extreme Risk Protection Orders violate an individual's rights.

Thank you for your time and consideration in opposing HF 15.

Benjamin Pratt
Law Abiding Gun Owner