



February 2<sup>nd</sup>, 2023

**Re: House File 15 – Law enforcement and family members enabled to petition a court to prohibit people from possessing firearms if they pose a significant danger to themselves or others by possessing a firearm, and money appropriated.**

Members of the House Public Safety Finance and Policy Committee:

The Minnesota Gun Owners Caucus, the trusted voice of Minnesota’s gun owners to defend and restore the right to keep and bear arms, opposes House File 15.

Our opposition is grounded in the following challenges with the bill:

- This bill violates due process. The seizure of property without a warrant, especially property that is explicitly protected by the Second Amendment violates civil rights and puts both the individual and law enforcement at risk.
- This bill does not address the actual risk – the individual. This bill aims to address an individual who “poses a significant danger of bodily harm to self or other persons” by seizing their firearms. If an individual poses a legitimate danger, removing their firearms is unlikely to resolve it.
- We have the laws already. Minnesota has tools for situations where people feel they are in imminent danger. Those going through mental crises can be placed on a 72-hour emergency hold for medical evaluation and potential commitment to further treatment. In cases of domestic violence, Minnesota statute currently directs officers to arrest if they believe that domestic violence has occurred in the preceding 72 hours or if the person poses a threat to the alleged victim.
- The penalty for making false allegations in the red flag gun confiscation order process is only a misdemeanor.

New York State’s red flag gun confiscation order law was recently struck down in December of last year holding that the law “did not sufficiently protect a citizen’s rights and therefore is unconstitutional.” (*G.W. v C.N. 2022 NY Slip Op 22392*).

As Judge Ho wrote in his concurrence just this morning in *US v Rahimi (21-11001, United States Court of Appeals for the Fifth Circuit)*, “when the government detains – and thereby disarms – a member of our community, it must do so consistent with the fundamental protections that our Constitution affords to those accused of a crime.”



Rights protected by the Second Amendment are not second-class rights and cannot be treated differently than other individually held rights. A law that allows firearms to be seized without appropriate due process cannot be constitutional.

On behalf of our members,

A blue ink signature of Bryan Strawser, written in a cursive style.

Bryan Strawser  
Chair

A black ink signature of Robert T. Doar, written in a cursive style.

Robert T. Doar  
Senior Vice President, Government Relations