

To: Committee on Mass Shootings and Public Safety

"Red Flag" laws violate several Amendments in the Bill of Rights:

If a person observes a legal gun owner open carrying a firearm at a rally of any kind they could report that to police, who could confiscate all the gun owner's firearms without justification, criminal charges, nor a trial. In Parker County a few years ago, during dove season, two friends were transferring a shotgun in a church parking lot after attending services. A passerby observing the men called the sheriff's department with no legitimate reason. If a citizen places a placard or yard sign on their private property supporting a political candidate or organization with whom a neighbor disagreed, the neighbor could report the person as dangerous to public safety and law enforcement could confiscate firearms without any just cause.

In Kentucky Senator Ran Paul was attacked by a neighbor over a property line dispute; under 'red flag' laws, that neighbor may well have reported the senator as a danger to public safety and had his firearms confiscated - again with no just cause nor trial.

Ludicrous comments by politicians calling all Veterans "domestic terrorists" could lead overzealous liberal citizens to report any Veteran as a danger to public safety and have their firearms confiscated for no legitimate cause.

All these events, and many more, violate the 1st, 2d, 4th, 5th, 6th, 7th, and 8th Amendments to the United States Constitution.

1<sup>st</sup> Amendment guarantees all Americans the right to freedom of speech and assembly, without persecution by law enforcement or other citizens.

2d Amendment is the guaranteed right to keep and bear arms

4<sup>th</sup> Amendment prevents unlawful search and seizure of private property, which 'red flag' laws violate because the laws allow police to act without judicial procedures.

5<sup>th</sup> Amendment, orders that a grand jury must issue indictments for serious crimes; guarantees due process of law; and prevents seizure of private property without compensation, all of which 'red flag' laws violate.

6<sup>th</sup> Amendment guarantees each citizen the right of a trial, there is no trial under 'red flag' laws, a random complaint without justification nor proof could cause police to act without a trial. Individuals also must be informed of any charges against them. 'Red flag' laws preclude citizens from contacting a lawyer for their defense before any action is taken by law enforcement.

7<sup>th</sup> Amendment guarantees US citizens the right to a jury trial, which 'red flag' laws clearly violate.

8<sup>th</sup> Amendment protects citizens from excessive fines; confiscation of expensive firearms, even historical firearms manufactured before 1898, could be considered excessive fines because those firearms may never be returned. Some might even be destroyed "to keep them off

the streets."

9<sup>th</sup> Amendment insures the right of private property, which should require no explanation to a reasonable, thinking person.

As to background checks, there are Already National Background checks through the FBI for any commercial transfer of firearms.

Free trade and commerce acts would be ignored with restriction of private firearms sales, the right to sell or dispose of private property.

Further restrictions would prevent any right to give gifts to family, and right to bequeath guns to family members. Many of these firearms have been in a family's possession for generations and would be confiscated - and sold by the government for what purpose?

evidence from law enforcement organizations in Chicago and New York City prove that a majority of shootings are committed with illegal firearms, not legally purchased anywhere. FBI statistics prove that cities and states with the most restrictive firearm laws and bans have the greatest incidents of shootings, murders, and armed robberies Colorado passed red flag laws, with 60% of complaints resulting in firearms confiscations, but without any actual proof these confiscations prevented any "gun violence" nor saved lives

Texas citizens should not be subjected to these ridiculous outrages, which could result from a childish whim, or a desire to get revenge for a perceived injustice.

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