

Minnesota Chapter

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American Academy of Pediatrics

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**Minnesota Chapter of the
American Academy of
Pediatrics**

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March 23, 2023

Judiciary and Public Safety Committee
Minnesota State Capitol Building
75 Rev Dr Martin Luther King Jr Boulevard.
St Paul, MN 55155

Members of the Judiciary and Public Safety Committee,

On behalf of the nearly 1,000 members of the Minnesota Chapter of the American Academy of Pediatrics (MNAAP), I am writing in support of SF1117.

According to the Centers for Disease Control (CDC) suicide is the third leading cause of death among adolescents and young adults (ages 15-24 years) and the second leading cause of death among younger adolescents (ages 10-14 years). In 2020, death by firearm surpassed car accidents as the leading cause of death for children in the United States, according to the CDC. SF1117 would address the rising rates of suicide by firearm and reduce the disturbing rates of death by firearm for Minnesota's young population seen in recent years.

According to data from the Minnesota Department of Health, firearms were the leading method of suicide in the state, accounting for more than half of all suicide deaths in Minnesota. Additionally, according to the same data, suicide is the eighth leading cause of death in the state and has been on the rise in recent years. This is a crisis that imposes a significant threat to Minnesota's children and families.

Minnesota is not an outlier. The majority of gun deaths nationwide, roughly three in five, are suicides. This represents an average of 65 people dying by gun suicide every day. Suicide attempt by firearm is also tragically effective, with attempts involving firearms being 2.6 times more lethal than the second most lethal suicide method. Suicide is now the second leading cause of death for Americans under the age of 35.

This bill would allow family members or law enforcement to petition a court to temporarily remove firearms from someone who is at risk of harming themselves or others. States that have enacted extreme risk protection orders have seen a decrease in death by firearm. Otherwise known as "red flag laws," extreme risk protection orders will have a profound effect on increasing the safety of Minnesota's children and families and will reduce the distressing rates of suicide experienced in Minnesota. I ask that you support SF1117.

Sincerely,

A handwritten signature in cursive script that reads "Eileen Crespo".

Eileen Crespo, MD, FAAP
President, Minnesota Chapter of the American Academy of Pediatrics

March 21, 2023

Senator Ron Latz
Minnesota Senate Building
St. Paul, MN 55155
nicole.kaplan@senate.mn

Dear Senator Latz and Members of the Senate Judiciary and Public Safety Committee:

On behalf of the Minnesota chapter of the American College of Physicians, we respectfully encourage you to support and vote in favor of: **SF1117 for extreme risk protection order (ERPO) or “red flag laws;** and **SF 1116 to support background checks for firearm transfers.** The Minnesota chapter of the American College of Physicians (MN-ACP) represents nearly 2500 internal medicine physicians and internal medicine trainees that take care of adult patients in clinics and hospitals throughout the state.

- The American College of Physicians with 160,00 members internationally strongly supports extreme risk protection order (ERPO) or “red flag laws”. The US Department of Health and Human Services recently clarified new guidance that health care professionals can provide information about a patient's health concerning a request they receive about an ERPO without violating the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. This action places internists on the front lines when it comes to preventing firearm-related injury, suicide and danger from intimate partner violence.(1,2)
- Family and household members are the most likely to recognize dangerous warning signs. Allowing them to directly petition the courts will undoubtedly save lives, as time is often of the essence. Furthermore, in cases of suicidal behavior, families often desire privacy and are hesitant to involve law enforcement.
- 73% of gun deaths in Minnesota are by firearm suicide and the rate of gun suicide increased 17% in Minnesota between 2012 and 2021.(3) Red flag laws exist in 19 other states plus Washington, D.C. These laws have an established record of saving lives. Nearly 45,000 Americans lose their lives, and another 80,000 are injured, each year from firearms.
- Minnesota Congressional District 8 (Duluth and NE part of MN) has the highest rate of firearm suicide of all MN districts with an average of 61 suicide deaths per year (9.1/100,000 population). Cass County (19.2 firearm deaths/100,000) and St. Louis County (14.4 firearm deaths/100,000 population) had the **highest rate of firearm deaths** between 2018-2021 in Minnesota- higher than Hennepin or Ramsey counties.
- MN Congressional District 7 (NW part of MN) has an average of 46 suicides per year (7/100,000 residents).
- MN Congressional District 2 (SE part of MN) has an average of 37 suicides per year (5.3/100,000 residents).(2)

As physicians, we see first-hand the devastating impact of such violence on our patients and their families. We are the ones who often inform and counsel families that have lost a loved one; we treat survivors of firearms violence who often face lifelong disabilities and trauma, and we treat their family members. Many of these deaths and injuries from firearms are preventable if lawmakers would work together to pass meaningful reforms to keep firearms away from those at the greatest and most immediate risk of harming themselves or others, while respecting and preserving second amendment rights. Thank you for your consideration. Please contact Minnesota.ACP@gmail.com if you have any additional questions.

Sincerely yours,



David Hilden, MD, MPH, FACP
MN-ACP Governor



Sally Berryman, MD, FACP
MN-ACP Health Policy Committee Chair

1. “Reducing Firearm Injuries and Deaths in the United States: A Position Paper, American College of Physicians. November, 2018 https://www.acpjournals.org/doi/10.7326/M18-1530?_ga=2.153324593.822355407.1678304615-1357710488.1639494317&_gac=1.260012536.1677191906.Cj0KCOiAutyFBhCMARIsAMgcRJT8g87CJOnsfIKuHPw9S4nCN9PRzMJ38KUE1XFUBivxoF4coavRs4aAigFEALw_wcB
2. ACP Advocate January, 2022 <https://www.acponline.org/advocacy/acp-advocate/archive/january-21-2022/hhs-details-red-flag-law-hipaa-exemptions>
3. EveryStat: Minnesota,” <http://everystat.org/#Minnesota> Data from 2014-2018

Testimony of Ramya Swami, Manager, State Policy, Brady
Support for SF 1117 Before the Minnesota Senate Judiciary and Public Safety Committee,
March 23, 2023

Chair Latz, Vice-Chair Verbeten, and Distinguished Members of the Senate Judiciary and Public Safety Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America's gun violence epidemic. There are evidence-based policy solutions that we know will help to prevent gun violence in Minnesota.

The epidemic of gun violence reaches communities in Minnesota every day. Every 19 hours, someone in Minnesota is killed by gun violence, with more than 460 Minnesotans dying yearly from gun violence.¹ Brady supports Senate File 1117 as it marks a meaningful strategy to address gun violence and save the lives of its citizens.

Extreme risk laws are evidence-based solutions currently enacted in 19 states and Washington D.C. that give law enforcement and the courts an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of other firearms.² These laws effectively target various forms of gun violence we see on a daily basis in the United States, including interpersonal violence, homicides, intimate partner violence, some unintentional shootings, and importantly suicide, the most common type of gun violence.

From 2015 to 2020, over 2700 Minnesotans lost their lives to guns - and over 75 percent of those deaths were suicide.³ When a firearm is involved in a suicide attempt, the result is most often fatal. Suicide attempts with a firearm result in death a staggering 85 percent of the time, compared to just three percent for other common methods, like intentional drug misuse.⁴ The presence of a gun turns what is frequently an impulsive act—that is usually not repeated if the person survives—into an almost always fatal act. People who choose a firearm over other methods typically do not have the opportunity or ability to summon help or reconsider. By temporarily removing firearms or making them more difficult to access for individuals in the midst of a crisis, those with suicidal ideation are more likely to survive and get a second chance at life. That second chance is critical: *the vast majority—about 90 percent—of people who make a suicide attempt and survive do not ultimately go on to die by suicide later in life.*⁵

Extreme risk laws are an important tool that can prevent tragedies because people closest to an individual in crisis are likely to see signs before the person acts. Research shows that gun violence is frequently preceded by an escalation in problematic behavior - threats (whether physical, verbal, or online), exhibiting inappropriate behavior with firearms, misuse of controlled substances or alcohol, violating prior restraining or protective orders, and/or stalking or harassing others.⁶ In many cases, family members or law enforcement are the witnesses to the troubling escalation of behaviors that typically precede an act of gun violence - whether that violence ultimately results against one's self or another individual. Extreme risk protection orders provide a way for the courts and law enforcement to temporarily remove guns from the situation and save lives.

The epidemic of gun violence, which includes the epidemic of gun suicide, requires a slate of solutions specifically tailored to address the intricacies and root causes of gun violence, for each and every community. **The strong and comprehensive extreme risk law proposed in SF 1117 must be part of the solution, as it will save lives in Minnesota, and Brady strongly urges this Committee to consider the best practices highlighted in this testimony and vote yes on this comprehensive extreme risk law today.**

Sincerely,

Ramya Swami, *State Policy Manager, Brady*

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

² The states which have adopted a form of this law include: California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

³ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars. For the past 5 years which data is available (2015-2020), according to CDC's WISQARS (Web-based Injury Statistics Query and Reporting System) Minnesota firearms deaths from 2015-2020 totaled 2722. 2061 of those were firearm suicides.

⁴ Madeline Drexler, ed. *Guns & Suicide: The Hidden Toll*, Harvard Public Health Magazine of the Harvard T.H. Chan School of Public Health, Available at https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

⁵ Harvard T.H. Chan School of Public Health, *Means Matter: Attempters' Longterm Survival*, Available at <https://www.hsph.harvard.edu/means-matter/means-matter/survival/>.

⁶ Shannon Frattaroli, Emma McGinty, Amy Barnhorst & Sheldon Greenberg, "Gun Violence Restraining Orders: Alternative or Adjunct to Mental Health-Based Restrictions on Firearms?" *Behavioral Sciences & the Law* 33 (2015) Issue 2-3, available at <https://onlinelibrary.wiley.com/doi/abs/10.1002/bsl.2173>.

MINNESOTA GUN RIGHTS

1080 Highway 3 South, Northfield, MN 55057 | www.minnesotagunrights.org

March 23, 2023

Chairman Latz, members of the Committee,

The members and supporters of Minnesota Gun Rights are utterly opposed to this garbage legislation.

I could write and tell you about how S.F. 1117 “Red Flag Gun Seizure” legislation is an absolute slap across the face of Minnesota’s best citizens, law abiding gun owners.

I could tell you about how this bill is nothing more than an attack on our fundamental rights as Americans to due process of law.

I guess I could tell you about how this bill destroys the American ideal of “Innocent until proven guilty”.

I could tell you about how this law would destroy people’s lives and families in divorce court as angry ex’s call one another in and claim their ex is dangerous.

I can tell you about how criminals will not be thwarted by the stupidity contained in this legislation.

I could even explain how every state in America already has a ‘72-hour hold’ on the books that addresses real concerns, allowing law enforcement to intervene when someone is threatening themselves or making violent threats to others.

I could explain that what you’re proposing here has already proven to be deadly in states like Florida and Maryland where a peaceful man was shot and killed at 5AM by law enforcement officers who were put in the terrible position of having to seize that man’s firearms because of a random ERPO.

But I won’t.

Because once again, the push to pass S.F. 1117 is completely agenda driven, designed to take this radical legislation and shove it down the throats of Minnesota’s best citizens!

Again, you’ve made it very clear that you intend to pass this legislation regardless of opposing testimony.

And gun owners will not sit idly by and allow this to happen.

Minnesota Gun Rights supporters are fighters and we’re going to fight this legislation through every step of this process and any legislator, especially the weakest members of either party, will face the full political fury of motivated gun owners at election time for any betrayals of our Second Amendment rights. We guarantee it.

For Freedom,



Ben Dorr, Director
Minnesota Gun Rights

FILE NAME: Against/Con SF1117

March 21, 2023

Minnesota Senate Judiciary and Public Safety Committee
Attention: Senator Ron Latz
1200 Minnesota Senate Building
95 University Ave. W
St. Paul, MN 55155

RE: Against SF1117

Sen. Latz and members of the committee:

SF1117 should be rejected at face value. No other versions of this bill should be given hearings. Behavior emanates from a person, not an object. If a person is threatening self or others, Minnesota already has a roster of laws on the books to use. The issues raised in arguments to support SF1117 are mostly addressed via a fully funded MN Statute 253B.05. Others involve criminal statutes covering the full range of assaults as defined in those laws (mostly Chapter 609).

Arguments that there are insufficient facilities to carry out 253B.05 should be ruled out automatically. It is and has been YOUR RESPONSIBILITY to fully fund a large and growing demand for mental health facilities. Minnesota -specifically Minnesota lawmakers- has failed its obligations in this regard.

Contrary to wording stating otherwise, SF1117 is attempted government overreach; violating property rights while abridging due process, for the sole purpose of gun confiscation. It wastes lawmakers' time and taxpayers' money even to give such a bill a hearing, in light of good laws already in place which can go much farther to preserve public safety and promote healing for distressed individuals **WHILE PROTECTING THEIR RIGHTS.**

Even laws such as 253B.05 can be abused. My father -who was separated from my mother and out of the home- filed a motion to have my mother removed from our home and placed on a mental health evaluation hold. She was taken by sheriff's deputies without advanced notice, right in front of me. I was pre-teen, and don't recall anyone else around to provide supervision. My mother was found fully competent and released days later. Much later, I was told a judge rebuked my father for creating this situation.

I can easily envision a similar or worse situation via an ERPO, where guns are removed from a home, but the conflicted person left behind, leaving an unnecessarily volatile and dangerous situation.

Your systems, such as they are, can be, are, and will be abused. The opportunities for tragedy are too great for something as narrow and sloppy as SF1117. It doesn't protect anyone, rather it will eventually make things much worse. Vote against this bill, and do not consider similar bills in the future.

Marc Olivier

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030



NRA

March 22, 2023

Senator Ron Latz
95 University Avenue W
Minnesota Senate Bldg., Room 3105
St. Paul, MN 55155

Dear Chairman Latz:

I am writing to you regarding Senate File 1117 (HF 1117) and the National Rifle Association's (NRA) position on this piece of legislation. I would like to express our strong opposition to SF 1117.

The NRA has a number of concerns regarding some of the policies set forth in the bill. The NRA believes that no one should be deprived of a fundamental right without due process of law. SF 1117 allows for the confiscation of firearms before a respondent even has an opportunity to be heard by a judge. The bill allows for low standards of proof for the seizure of firearms and seizure can be based on uncorroborated hearsay information.

SF 1117 only confiscates firearms and no other items that an individual could use to inflict harm, if in fact they truly were a danger to themselves or others. Moreover, there is nothing in the bill about the respondent getting mental health treatment or even evaluated by a mental health professional.

Once firearms are confiscated there is no obligation they be transported and stored properly or by the least restrictive mean, e.g., transferring to a friend or relative as allowed in other chapters of Minnesota statutes. This bill will lead to the seizure of firearms with no clear path on their return.

Finally, existing statutes on civil commitments are sufficient to address those who are a danger to themselves or others. Those existing statutes, when properly applied, do much more to keep people safe since they remove a harmful individual from all dangerous objects and get them the mental health treatment they need.

For these reasons, and others, the NRA is opposed to the passage of SF 1117.

Sincerely,
Brian Gosch
Minnesota State Director