

Red flag laws simply common sense

*Wisconsin bill modeled
after Florida law*

By Rep. Deb. Andraca

As a member of the State Assembly and the author of the bill to create a red flag law in Wisconsin, I would like to correct several claims made by Ms. Sallie Helmer (June 2, 2022) about red flag laws (also known as extreme risk protection orders).

Red-flag laws have been signed into law in 19 other states led by both Republicans and Democrats. Republican Sen. Marco Rubio became a champion of Florida's red flag law after 17 students were shot and killed at Marjory Stoneman Douglas High School in 2018. According to Rubio, "red flag laws empower law enforcement or family members to use the judicial system to keep guns out of the hands of dangerous individuals."

Ms. Helmer claims red flag laws would mean "government thugs bursting down doors and taking guns from law-abiding Americans without due process because someone complained about you," but that is simply not true. Here are the facts:



Andraca

The "government thugs" she refers to are most likely to be our local police and law enforcement officers, who are familiar with the people they serve.

Robust due process is built into the bill. Only a judge, based on evidence presented by law enforcement or family members, can issue an order to remove firearms.

A hearing is held within 14 days of the order where the gun owner may petition for their guns to be returned. If issued, the order is good for one year, and may be renewed.

Falsely accusing a gun owner of being a danger to themselves or others is a Class G felony.

Do these laws work? While it is difficult to prove that something didn't happen, evidence is mounting that these

laws have saved lives. On June 1, a CNN report on Florida's red flag law found that "In just the last two months, a Florida judge removed guns from dozens of people including a dad accused of threatening to 'shoot everyone' at his son's school, a woman who attempted suicide then accidentally shot her boyfriend during a struggle for her gun, a husband who allegedly fired multiple rounds in the street to 'blow off steam,' a bullied 13-year-old witnesses overheard saying 'If all of 8th grade is missing tomorrow you'll know why,' and a mother arrested for brandishing a handgun at another mom after a school bus incident between their two daughters."

Are these laws constitutional? The Wisconsin bill is modeled after the one in Florida. According to a memo by the Wisconsin Legislative Council, "On September 25, 2019, a Florida appellate court concluded that Florida's law did not violate due process. In support of this conclusion, the court cited the fact that a hearing must be held within 14 days, thereby affording the respondent a prompt opportunity to be heard prior to the entry of a final order. The court also found the law incorporated adequate safeguards, by requiring petitioners to meet the heightened 'clear and convincing' burden of proof, limiting the duration of the order to 12 months, and including a mechanism for the respondent to request early termination of the order."

Proposals to arm teachers and fortify school buildings distract us from the real problem: easy access to guns. In Wisconsin it is easier to buy a gun than it is to adopt a puppy. As a gun owner I know that commonsense gun laws are not a burden, and they help keep our schools, churches, supermarkets, and neighborhoods safe for all Wisconsin families. That's why I support red flag laws and a majority of Wisconsin voters do too.

(State Rep. Deb Andraca, D-Whitefish Bay, represents the 23rd Assembly District. She can be reached at 1-608-266-0486 or rep.andraca@legis.wisconsin.gov.)

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