

## GCLA Notes – 4 September 2018

Last month I reported that due to the Missouri legislative session on recess for the remainder of the year, there was nothing to report.

However, a combination of Bloomberg money and representative Stacey Newman's anti-gun activism, has put our gun rights in certain danger.

As you may have heard, about a dozen states have passed "Red Flag Gun Seizure" legislation, also known as "Extreme Risk Protection Order (ERPO)" laws. These anti-gun laws have passed in traditionally gun-friendly states like Florida and Indiana, and Bloomberg is now targeting Missouri with the help of liberal/socialists like representatives Stacey Newman, Gina Mitten, Judy Morgan, and Ingrid Burnett. This legislation was introduced as House Bill HB 1340, was read twice on the House floor, before being passed to the Crime Prevention and Public Safety Committee.

This bill establishes a process for an 'ex parte judicial proceeding', which means that the accuser makes claims in a court proceeding, and the accused is both not present and most likely unaware of the accusation. The result of this proceeding is a court order for the seizure of the accused persons firearms by law enforcement. Remember, the accused is unaware until the police knock or bust down the door in order to seize the accused person's firearms. The bill establishes a number of conditions for such reporting to the court and ultimate seizure of weapons, some as simple as:

Code 571.605 3 . (3) c) "Any prior arrest of the person for a felony offense [Note the wording 'arrest' not the word 'conviction'.]

code 571.605 3. (3) (f) "Evidence of recent acquisition of firearms, rifles, shotguns, or other deadly weapons".

So, a person with no criminal history, and now without due process (day in court), can be stripped of his firearms and his ability to do defend himself and his family on just the accusation by another (neighbor, ex-spouse, employer, employee, etc.).

Since enactment in Florida in March 2018, there have been over 500 FL gun owners whose firearms have been seized using this Red Flag process.

During the seizure, the accused has no rights. He/she cannot turn over their firearms to a spouse, a relative, a lawyer, a friend, etc. They are collected and held by law enforcement for a period of one year, renewable every year as long as the complaint is revisited by the red flag court.

After seizure, the accused is allowed only 1 (one) written request for a hearing during the first year. But the accused is not entitled to information pertaining to the original accuser, the original grounds of accusation, or the decision making of the judge. The accused must justify to another judge why he/she is not a threat and should regain possession of their seized weapons. This is Guilty Until Proven Innocent at its worst.

In Florida, the accused must pay a storage fee for his weapons, similar to an impound fee for a towed car.

The Missouri Bill contains no provision for holding the accuser accountable, in the case of frivolous, inaccurate, false, revengeful, hateful, politically motivated, or unsubstantiated statements.

The Missouri Bill requires the extreme risk protection order (red flag seizure) information be put into MULES the next business day after seizure. MULES is the Missouri automated link to the NICS database. There is no provision in HB 1340 for the removal of this information from MULES / NICS after being cleared of the Red Flag.

If a person who has had his firearms seized under the provisions of HR 1340 is found to be in the presence of a firearm, he/she shall have committed a Class E felony.

This is how they will start taking our guns. They are not going to ban your guns. They are going to allow liberal judges to accept accusations in an ex parte setting, and then simply seize your guns, legally. And most of the time, you will not know what is going on until they knock on (or down) your door with seizure papers.

This is as serious as it gets. It has happened in a number of other states, and it is now in the works in Missouri.

Do not let HB 1340 move any further. Contact Missouri Firearms Coalition and see how you can help.