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May 27, 2022

The Honorable Charles E. Schumer
Majority Leader
United States Senate
S-221, The Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, The Capitol
Washington, DC 20510

Dear Leaders Schumer and McConnell:

As members of the United States Senate from both sides of the aisle are reportedly discussing legislation that would encourage states to set up red flag laws, I urge you to consider my legislation that I have championed in the House—the Extreme Risk Order Protection Act (S. 1819/H.R. 3480)—which would provide the framework to do just that.

This legislation, which is co-led by my colleague Senator Feinstein in the United States Senate, would help states enact laws so that family members could go to court and ask a judge to prevent someone who is clearly violent or intent on committing violence from buying or having a gun. And when combined with Representative McBath’s Federal Extreme Risk Order Protection Act at the federal level, we can create avenues to reduce gun violence across the country.

I have championed this bill since I first came to Congress in 2017. And in previous years, this bill has enjoyed bipartisan support in the House¹ and the support of a broad spectrum of stakeholder groups including law enforcement organizations.

The Extreme Risk Order Protection Act would provide a safety measure for our homes, schools, and communities, while ensuring due process rights are protected.

If there is sufficient evidence that an individual poses a risk to themselves or others, Extreme Risk laws allows law enforcement to disarm these individuals in crisis. They are based on states’

¹ <https://www.congress.gov/bill/115th-congress/house-bill/2598/cosponsors>

already-established domestic violence protective order processes and there is due process by allowing the individual the ability to appeal the court order at any time.

This legislation is personal for me. Eight years ago this week, my alma mater University of California Santa Barbara saw six murdered in a mass shooting by a young man who had shown such stark signs of threat to his community that his own mother warned local law enforcement of his desire to hurt others.²

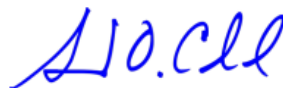
And in so many school shootings, from Parkland³ to Sandy Hook⁴ to Columbine⁵, there have been clear warning signs that red flag laws could have helped intervene and prevent these unspeakable tragedies.

Indeed, while we can never know for sure if a red flag law could have prevented this week's horrific shooting in Texas, these laws have been shown in my home state of California⁶ and others to take guns out of violent and threatening situations, saving lives. And since we know that these attacks often have contagious, copy-cat effects across our country, getting more red flag laws on the books would also help ensure Uvalde or Buffalo does not inspire future attacks on other communities across our nation.

Already, nineteen states and Washington, D.C., have enacted versions of extreme risk laws. And in the House, I am pushing my colleagues to pass my bill, as well as Representative McBath's bill that would mirror this state-based approach in our federal courts.

While no single bill is the panacea, the American people are counting on us to act on gun violence and protect our children. Already, the vast majority of Americans have repeatedly⁷ voiced support⁸ for these red flag measures.

Sincerely,



SALUD CARBAJAL
Member of Congress

² <https://www.latimes.com/local/lanow/la-me-ln-isla-vista-shooting-parent-warning-police-son-threats-20140524-story.html>

³ <https://www.cnn.com/2018/02/15/us/nikolas-cruz-fbi-warned/index.html>

⁴ <https://www.cbsnews.com/news/sandy-hook-shooting-investigation-fbi-documents/>

⁵ <https://www.washingtonpost.com/wp-srv/national/longterm/juvmurders/stories/denver050199.htm>

⁶ <https://everytownresearch.org/report/extreme-risk-laws-save-lives/>

⁷ <https://www.reuters.com/world/us/broad-support-less-hope-tighter-us-gun-laws-reutersipsos-2022-05-25/>

⁸ <https://www.npr.org/2019/08/20/752427922/poll-americans-including-republicans-and-gun-owners-broadly-support-red-flag-law>