



Red Flag Law/Protective Order Working Committee

Current Law

Texas law does not currently have in place red flag laws to suspend firearm access for individuals in periods of crisis.

Problem

Law enforcement and concerned family members need tools to temporarily suspend firearms access during periods of crisis. Evidence shows that while mental illness, on its own, is not a strong predictor of behavior toward others, there are circumstances when mental illness makes an individual more prone to violence.

- For example, one such circumstance is the first episode of psychosis and the time periods just before and after an involuntary hospitalization.

Mental illness is strongly associated with self-harm, and common mental illnesses such as depression can increase risk of suicide.

- Risk of suicide and access to firearms is particularly dangerous; 90% of attempted suicides by firearm are fatal.

Another factor likely affecting both firearm homicide and suicide is access to firearms by persons at risk for harming themselves or others. Previous studies have shown that the interval between deciding to act and attempting suicide can be as brief as 10 minutes or less, and that persons tend not to substitute a different method when a highly lethal method is unavailable or difficult to access.

Preventing persons convicted of or under a restraining order for domestic violence from possessing a firearm has been associated with reductions in intimate partner-related homicide, including firearm homicide. A history of violence, including violent misdemeanor convictions and perpetration of domestic violence, is the strongest predictor of violence towards others. Individuals who abuse alcohol are at increased risk of homicide and suicide, and research shows that firearm owners are more likely to abuse alcohol. Studies also show that illegal use of controlled substances is related to an

increased risk of violence. The cognitive impairment associated with drug use also makes it difficult to avoid violent conflict.

Proposed Legislative Change

Appropriate Crisis Intervention safeguards in the form of Red Flag Laws and Protective Orders are essential to reduce gun violence. These are complicated and controversial issues. We believe that the City of Houston needs to play a leadership role in ensuring that measures are enacted during the legislative session, and that these measures address, as well as possible, the many issues that have been raised in our research.

House Bill 131 by Rep. Joe Moody (D-El Paso) & Senate Bill 158 by Sen. Jose Rodriguez (D-El Paso) allow for the issuance of “red flag” protective orders.