



Extreme Risk Protection Orders

Are they Needed / Are they Constitutional?

SB 90 (Killion) & **SB 293** (Fontana) / **HB 1075** (Stephens) & **1028** (McCarter)

Right now, Extreme Risk Protection Orders are probably the single biggest LEGISLATIVE and Constitutional threat to the 2nd Amendment and Article 1, Section 21 which is spreading through the country.

These Gun Confiscation Orders would allow police or angry relatives to convene a secret star-chamber proceeding, otherwise known as an 'Ex Parte' hearing, and get permission to ransack your house and seize your guns without any due process whatsoever. You DON'T get a chance to have a hearing for 10 days AFTER the firearms were seized, if then! You WILL lose your License To Carry Firearms! These orders allow UNLIMITED extensions. There are 'no' protections for your property (firearms) once seized!

And if you resist, they are authorized to arrest, or even shoot you. A gun owner in Maryland found this out the hard way and paid with his life because a family member misused this very system.

These are technically known as Extreme Risk Protection Orders 'or' Gun Violence Restraining Orders but the most accurate description is Gun Confiscation Orders. Anti-gun groups are trying to disguise their insidious intent by sugar-coating them as "red-flag laws" or "extreme violence protective orders." But just as "assault weapon" was a fraudulent term intended to polarize public opinion, we have to call this anti-gun legislation for what it is: GUN CONFISCATION ORDERS.

Extreme Risk Protection Orders began with 5 states starting in California and the Left Coast as the most recent, and most extreme, form of gun control. Now the list of states with these laws is up to 14 and the Federal Government, US Senate, is considering a national version, S.7.

They have been taken seriously in some conservative states because of Donald Trump's admonition to "Take the Guns First" and worry about the Constitution afterwards.

Gun Confiscation Orders will occur with virtually no Due Process

Although various legislative proposals differ in details, these bills all follow a pattern. Police or a disaffected or angry family member 'or' former partner can convene an Orwellian SECRET hearing (otherwise known as an 'Ex Parte' proceeding) to secure an order to confiscate your guns. Pennsylvania proposals differ on what they need to show: HB 1075 & 1028 only require a "preponderance of the evidence" standard and that you are a 'danger to yourself or others', etc.

It's important to point out that current Pennsylvania legislation (SB 90 & SB 293) both use the lowest evidentiary standard; "preponderance of the evidence" standard. What this means is YOU won't get a trial by jury before your guns are taken -- or a trial of any sort, for that matter. Everything is done 'Ex Parte' which means that the order is issued in your absence without your knowledge to defend yourself.

You won't even know to get your attorney before the judge until 'AFTER' your property is taken and you are left with your head spinning as to why.

The accuser will be the ONLY ONE in the room. And so, the court is almost always going to issue the confiscation order.

In an exposé of Gun Confiscation Orders in Seattle, only [one request](#) was ever denied.

And in Massachusetts, a liberal state representative, Barbara Gray, [said](#) of much-less-intrusive protective orders: "I think judges grant the restraining orders without asking too many questions."

The burden of proof will be on you to sue and get your guns back

So, here's what happens when a Gun Confiscation Order is issued in your name: the police or SWAT team arrives at your door to ransack your home and, if you resist, to arrest or even shoot you and your family. Every version of Gun Confiscation Order legislation would arm them with a search warrant. And, if you think they're going to take your word on the number of guns you have, you'd better think again. Then Ten (10) days after your constitutional rights are suspended without due process, you will theoretically have the "right" to spend \$10,000 to try to convince a court it made a mistake. This is a fool's errand. As always, anti-gun politicians will assure us that they will implement their new powers "responsibly."

Anti-gun leftists see an opportunity to finally "move the needle" on gun control, and they are not going let this opportunity slip away.

Even ACLU branches, in Pennsylvania and Rhode Island, have issued memos in opposition and the ACLU branch in Rhode Island offered a 14-page analysis which concluded these laws raise "some serious due process concerns."

The Florida shooting has become the rallying cry for Gun Confiscation Orders

But what about Nikolas Cruz, the shooter in Parkland, Florida? Wouldn't Gun Confiscation Orders have stopped him?

No.

School disciplinary officials and police came in contact with him almost a hundred times. Dozens of times, they could have charged him with a felony and taken away his guns under 18 U.S.C. 922(d). They didn't because of an Obama-era policy coddling young felons. **Every time**, officials found him a "low risk," which would have meant no Gun Confiscation Order.

Or take the YouTube shooter. California has Gun Confiscation Orders. Yet, when police came in contact with her, they found her no risk.

Bottom line: Bad guys who want to inflict harm will still get around laws imposing Gun Confiscation Orders. We should not be throwing out our core protections for the accused, Presumption of Innocence and Due Process, by empowering others to use what is essentially a government authorized form of swatting to abuse the rights of others!

But law-abiding gun owners like you will now have to sue in court -- spending thousands upon thousands of dollars -- to get your guns back because they've been confiscated without Due Process.

Firearm Owners Against Crime (FOAC) is non-partisan, non-connected Political Action Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 of the PA Constitution with the tools and information necessary to protect this freedom from transgression.