



## Lethal Violence Protective Order

(Also known as "Family Knows Best," "Gun Violence Protective Order," or "Red Flag" bill)

**SUPPORT SB 434, SEN. RODRIGUEZ, AND HB 866, REP. MOODY**

### **THE NEED**

**A very small percentage of violence is attributable to mental illness, and most Texans with mental illness are not at risk for violent behavior. However, families at high risk need tools to help keep them safe.**

Approximately 1,700 Texans die by suicide from a firearm each year, leading to a suicide rate that is higher than the national average. Prior to an act of violence, there are often clear warning signs that provide an opportunity to prevent tragedy. **80% of people considering suicide give some sign of their intentions**, and 90% of those who attempt suicide are living with mental illness. There are numerous instances where an individual's family members or others in the community knew of potential danger before a tragedy, but had no recourse to prevent violence. While some family members can get an emergency detention and have a person at risk involuntarily committed, many people are not willing or able to take this step. And although the State has spent millions on addressing the mental health crisis, the inpatient mental health system is facing a capacity crisis. If families and law enforcement could simply reduce access to lethal means in some cases, they could mitigate risk and save the state money.

### *Other Gun Violence Facts*

Texas experienced 21 mass shootings in 2015, and approximately 750 murders are committed every year with a firearm. Additionally, more than half of all U.S. mass shooters in the last twenty years were reported as displaying warning signs prior to the shooting. Easy access to lethal means, such as firearms, makes the risk even greater.

### **THE SOLUTION**

Some states, including Indiana, have passed laws to give families options to protect themselves, their loved ones, and in some cases, the community, from gun violence. If a family member or law enforcement can provide clear and convincing evidence that the individual poses a risk of imminent personal injury to self or others, a court can issue a lethal violence protective order (LVPO). The order would temporarily suspend a person's right to purchase or possess a firearm until a mental health evaluation is completed. If the person ordered was in possession of a firearm, the court would require an affidavit showing that the firearms were being temporarily stored with law enforcement. If the courts impose a one-year order, the individual could have gun rights restored whenever the crisis or threat to self or others has passed. A 2016 study by nine researchers out of Duke University looked at 14 years of data after the implementation of LVPO legislation in Connecticut and found gun removals from individuals at risk may have prevented up to 100 suicides.

A Texas LVPO law is a no-cost solution that would help those who are at risk of harming themselves or others, protect the general public, and save lives.

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*Texas Gun Sense is a nonprofit organization with a mission to advocate for common sense, evidence based policies to reduce gun injuries and death.*