**THIRTHY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS**

**COMMITTEE ON HEALTH, HOSPITALS AND HUMAN SERVICES**

**Chairman Ray Fonseca**

**Wednesday, December 6, 2023**

Good morning Honorable Ray Fonseca, Chairperson of the Committee on Health, Hospitals and Human Services, Committee Members, members of the 35th Legislature, legislative staff, and to the listening and viewing audience. I am Ray A. Martinez, Police Commissioner. I welcome the opportunity to testify on Bill Number 35-0187, “an Act amending Title 19 Virgin Islands Code, Part V, Chapter 45, by adding subchapter XI, Extreme Risk Protection Orders, to allow a family or household member, law enforcement officer, healthcare worker, educator or co-worker to intervene and file a court petition to temporarily confiscate and ban a person’s access to guns for one year is that person is deemed to be a risk to themselves or others.

The Extreme Risk Protection Orders (ERPOs) Act, commonly known in other districts as Red Flag Laws, at the forefront of our discussion today, serves as a beacon to further safeguard our community. The Bill represents a collective, pro-active, and balanced approach that respects the rights of individuals, while placing paramount importance on public safety. It is designed to prevent access to firearms by individuals who, through their actions, have shown that they pose a significant risk to themselves or others.

As we delve into the specifics of this bill, I want to emphasize that my support for this proposed law comes from a place of deep responsibility. As someone entrusted with the safety of our citizens, it is imperative for me to advocate for measures that not only protect but also preserve the sanctity of life. The ERPO is a step in that direction, offering us a tool to intervene before a crisis turns into a tragedy. It is with this sense of duty and urgency that I address you today, urging your support for a law that stands to make a significant difference in the lives of the people we are sworn to protect. On behalf of law enforcement territory wide, I commend Senator Capehart for her sponsorship of this legislation.

It is crucial to understand the background and rationale behind Red Flag Laws. In recent years, communities have been increasingly exposed to the harsh realities of gun violence. These incidents have not only claimed precious lives but have also left deep scars on families and communities. The commonality between most of these heinous incidents has been licensed firearms in the hands of persons exhibiting mental health or at-risk behaviors. Each incident is a stark reminder of the urgency with which we must act. The Virgin Islands, like any other community, is not immune to the challenges posed by firearms in the hands of those who, for various reasons, pose a risk to themselves and others. This law arises from a necessity to address these challenges head-on, to provide a proactive solution that can preempt potential tragedies. It is about prevention, about taking necessary steps to ensure that those who are a danger to themselves or to the community do not have easy access to firearms. This is not about infringing on rights but about safeguarding the community while respecting individual freedoms. It is a balanced approach, one that is crucial for the well-being of our society.

In advocating for the ERPO Act, it is beneficial to look beyond our shores and examine the impact similar legislation has had in other regions. The experiences of these communities provide us with valuable insights and a clearer understanding of the potential benefits we can achieve. For instance, states like California and Connecticut have implemented laws akin to the Red Flag Law, with encouraging results. Studies have shown a tangible decrease in gun-related incidents, particularly in cases where the potential for harm was identified early. These laws have not only prevented individual tragedies but have also contributed to an overall sense of safety in the community. The evidence is clear: when appropriately implemented, this legislation can significantly reduce the risk of gun violence. We can tailor our approach to meet the unique needs of our community, ensuring that we too can reap the benefits of such proactive legislation.

Our calls for service and the incidents we confront daily are a testament to the urgency of this law. In situations where individuals have shown clear signs of being a threat to themselves or others, the ability to intervene and prevent access to firearms can be lifesaving. This law provides us with the necessary tool to take such preventive actions, actions that could mean the difference between life and death. A key component to the success of the legislation lies in the involvement and education of our community. It is essential that every citizen understands the purpose and provisions of this law, and how it can be a force for good in our society. To this end, we believe the onus for education and outreach should be shared across several agencies and not solely borne by the Administrator of Courts. This could be burdensome to the Courts and create a funding issue.

The Red Flag Law is not just about the regulation of firearms; it is fundamentally about prevention and addressing mental health concerns. By identifying individuals who are in crisis and may pose a risk, the system can intervene in a way that is both compassionate and effective. The approach should be to provide resources and support ensuring that individuals who may be at risk receive the care and attention they deserve. This proactive stance on mental health is vital in preventing not only acts of violence but also in supporting the overall well-being of our community members. In short, this law provides us with an opportunity to not only reduce the risk of gun violence but also to address the broader issue of mental health in our society. It represents an integrated approach to public safety, one that recognizes the interconnectedness of mental well-being and community security.

In our commitment to upholding the law and protecting the rights of our citizens, it is imperative to address the legal precedents and constitutional considerations surrounding the proposed legislation. We find that this legislation has been carefully crafted, considering both legal frameworks and ethical standards. It respects the constitutional rights of individuals while placing a high priority on the safety and well-being of the community. This balance is crucial in maintaining public trust and the integrity of our legal system. Furthermore, the law is in alignment with similar legislation that has been successfully implemented and upheld in other districts. These precedents reaffirm our belief that the Bill is not only necessary but also legally sound and constitutionally viable.

I am aware that with any new legislation, concerns and misconceptions can arise. It is important to address these head-on, to ensure that there is a clear understanding of what the Red Flag Law entails and what it does not. First and foremost, this law does not infringe upon the constitutional right to bear arms. It is designed to identify and act upon specific, credible threats to safety, not to broadly restrict firearm ownership. The law includes safeguards to ensure that any action taken is justified and proportionate to the risk presented. Moreover, the law is not punitive in nature; it is preventive. Its aim is to intervene before a situation escalates into violence, ensuring the safety of both the individual in question and the wider community. Through this law, we are not only preventing potential tragedies but also upholding the highest standards of public safety and responsible governance.

Our officers, who are on the front lines every day, recognize the value of this law in preventing violence. Their experiences in dealing with crisis situations provide a unique perspective on the effectiveness of preventive measures like this. Similarly, community leaders, who are deeply attuned to the needs and concerns of their constituents, see this law as a vital tool in safeguarding our neighborhoods.

In conclusion, I appear before you today to make a heartfelt appeal. I urge this body to pass Bill No. 35-0187, the Extreme Risk Prevention Act. By doing so, we take a decisive step towards a safer, more secure Virgin Islands. This law is more than just legislation; it is a commitment to the safety and well-being of every individual in our community. I thank you all for your consideration of this critical piece of legislation. Together, let us move forward in creating a safer future for all. I am available to answer your questions.