



NEW YORK STATE SENATOR

Pete Harckham

Harckham and Paulin Bill Requiring Extreme Risk Protection Orders for Certain Released Patients Passes in Senate

PETE HARCKHAM May 11, 2021

| ISSUE: **RED FLAG LAW, EXTREME RISK PROTECTION ORDERS, PUBLIC SAFETY**



Albany, NY – Legislation sponsored by New York State Senator Pete Harckham and Assemblywoman Amy Paulin requiring mental health facilities to provide information on how to seek extreme risk protection orders for patients upon their discharge or conditional release was approved today by the State Senate.

“An extreme risk protection order is a common-sense safeguard, and once residents have information about the value of attaining them for loved ones and others, we will save countless lives in the years to come,” said Harckham.

“Gun violence and their ensuing tragedies cannot continue to be par for the course in this country,” said Paulin. “New York’s Red Flag Law was an important step forward by allowing courts to order the temporary seizure of firearms from people believed to pose a danger to themselves or others. This bill furthers that law, providing that prior to a patient’s discharge or conditional release from a mental health facility, they and their representative automatically receive materials informing them of New York’s Red Flag Law. It’s essential that patients and their families are made aware of the options available to ensure the safety of others and their loved ones.”

The new legislation (S.5434 / A. 1005) will amend the state’s Mental Hygiene Law to ensure that when a patient leaves a mental health facility following treatment, patients and their authorized representatives who have been involved with their medical care will automatically receive materials informing them of the Red Flag Law.

Enacted two years ago in New York, the Red Flag Law, also known as the extreme risk protection order law, prevents individuals who show signs of being a threat to themselves or others from purchasing or possessing any kind of firearm.

This law was put into effect with the hopes of preventing mass shootings, domestic incidents and suicides among other tragedies, all of which have continued to devastate our country.

But two years ago, right after the Red Flag Law was put in place, a Westchester woman voluntarily checked herself into a mental health facility, and after being discharged she

purchased a hand gun and committed suicide. After the woman's death, her husband contacted local officials not understanding why his wife was able to purchase a firearm in the first place, having been recently hospitalized.

Sadly, this woman's family had no previous knowledge of the Red Flag Law. Her husband later stated that if he had known about extreme risk protection orders, he would have tried to secure an order for his wife.

Harkham and Paulin's legislation provides that prior to a patient's discharge or conditional release from a mental health facility, the patient and their authorized representative who has been involved with their medical care, will automatically receive materials informing them of the Red Flag Law. Providing such notice will prevent future tragedies and will ensure that patients and their families are made aware of the options that are available if they have concerns about the safety of their loved ones.

RELATED LEGISLATION

2021-S5434

- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly

- On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to providing information about extreme risk protection orders upon release or discharge of patients

March 04, 2021

Senate Floor Calendar

Sponsored by **Pete Harckham**

Do you support this bill?