



NEW YORK STATE SENATOR

Pete Harckham

## Senator Harckham and Assemblymember Paulin's Bill Requiring Extreme Risk Protection Orders for Certain Released Patients Passes in State Legislature

PETE HARCKHAM June 9, 2021

| ISSUE: **RED FLAG LAW, BEHAVIORAL HEALTH, GUN CONTROL**



Albany, NY – New York State Senator Pete Harckham and Assemblymember Amy Paulin announced the passage of their legislation (A.1005A / S.5434A), which requires mental health facilities to provide information on how to seek extreme risk protection orders for patients upon their discharge or conditional release.

“Providing information on an extreme risk protection order when a patient with a mental health diagnosis is released from a care facility may save countless lives in the years to come,” Harckham said. “This is a common-sense safeguard, and it may give patients, family members and authorized representatives of the patient deserved peace of mind. In certain circumstances invoking the Red Flag Law is a step that should not be overlooked.”

“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,” Paulin said. “This bill furthers that law, and provides 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 loved ones.”

Enacted two years ago in New York State, 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 hope of preventing mass shootings, domestic incidents, suicides and other tragedies, all of which continue to afflict our country.

Right after the Red Flag Law was put in place, a Westchester woman, Treva Foss Thoms, voluntarily checked herself into a mental health facility, and after being discharged purchased a gun and committed suicide. After her death, Treva’s husband contacted County Legislator Ruth Walter, unable to understand why his wife was able to purchase a firearm in the first place, having been recently hospitalized.

Sadly, Treva’s family had no previous knowledge of the Red Flag Law. Her husband, Dr. Jason Thoms, said, “I assumed that there was no way that my wife, given that she had just

been released from a mental services facility where she resided for several months, would have the ability to purchase a gun.” Thoms asserted, “If I had known about the existence of the Red Flag Law and the ability to obtain an extreme risk protection order, I would have secured one for my wife, and she might still be here with us today.”

Under this legislation the patient and their representative will automatically receive materials informing them of the Red Flag Law.

“Providing such notice will prevent future tragedies and 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,” said Paulin. “Guns must be kept away from those who are a threat to themselves or others.”

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#### RELATED LEGISLATION

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### **2021-S5434A**

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- 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?