



NEW YORK STATE SENATOR

Pete Harckham

Governor Hochul Signs Harckham / Paulin Bill Requiring Extreme Risk Protection Orders for Gun Safety

PETE HARCKHAM November 9, 2021

| ISSUE: **GUN SAFETY, RED FLAG LAW, BEHAVIORAL HEALTH, PUBLIC SAFETY, SENATOR HARCKHAM. SD40**



Albany, NY – New York State Governor Kathy Hochul has signed into law critical, life-saving legislation sponsored by Senator Pete Harckham and Assemblymember Amy Paulin that requires mental health facilities to provide information about New York’s Red Flag Law and obtaining extreme risk protection orders for patients upon their discharge or conditional release.

Now enacted, the legislation ([A.1005A](#) / [S.5434A](#)) is effective immediately.

“Supplying concerned family members and others with information on an extreme risk protection order when a patient with a mental health diagnosis is released from a care facility will definitely save lives in

the years to come,” Harckham said. “This is a common-sense safeguard that will offer families throughout the state deserved peace of mind. I am grateful for Assemblymember Paulin’s work on the bill, and thank Governor Hochul for signing it into law. In certain circumstances invoking the Red Flag Law is a step that should not be overlooked.”

“Gun violence and their ensuing tragedies cannot continue to be par for the course in this country. New York’s Red Flag Law was a necessary action to allow courts to order the temporary seizure of firearms from people believed to pose a danger to themselves or others,” Paulin said. “Now that Governor Hochul has signed this bill into law, patients and their representatives will automatically receive materials informing them of New York’s Red Flag Law prior to their discharge from a mental health facility. This logical requirement will help minimize risks and ensure the safety of our loved ones and neighbors.”

“I am extremely proud to know that Governor Kathy Hochul has signed the Red Flag Notification Bill into law,” said Westchester County Legislator Ruth Walter. “This life-saving bill will provide families with the information they need to protect the people they love.”

Walter approached the legislators about introducing the bill originally after one of her constituents, Dr. Jason Thoms, spoke of his wife completing suicide after a mental health hospital stay, and his not knowing that he an opportunity to request a Red Flag or Extreme Risk Protection Order.

“I knew action needed to be taken to prevent other families from experiencing the same tragedy,” Walter continued. “I appreciate the commitment that Assemblymember Amy Paulin and Senator Pete Harckham, as well as Senator Shelley Mayer, a co-sponsor, all made in getting this bill passed and signed. Knowing that each patient on discharge from a mental health facility will be now given this information is truly a testament to the family’s good will to others and their desire to prevent more tragedies.”

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, being that she’d 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. If I had known about the existence of the Red Flag Law and the ability to obtain an extreme risk protection order,” continued Thoms, “I would have secured one for my wife, and she might still be here with us today.”

“Providing such notice will help 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,” Paulin added. “Guns must be kept away from those who are a threat to themselves or others.”

2021-S5434A

- 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?
