

February 22, 2019

Colorado General Assembly
200 E Colfax RM 307
Denver, CO 80203

Dear Representative []:

Please consider the costs of individual liberty when government suspends the rights of individuals. HB19-1177 (Extreme Risk Protection Orders) seeks to suspend the liberty and seize the property of individuals who have committed no crime without even offering the respondent the same due process guaranteed to indicted criminals. HB19-1177 is a violation of the sacrosanct natural right of keeping and bearing arms as enumerated in the US Constitution and violates protections and guarantees also enumerated in the Constitution. As a legislator, you have taken an oath to support and defend the Constitution. I urge you to commit to upholding that oath and rejecting this bill in today's House vote.

HB19-1177 will set precedent for any number of future encroachments on citizen rights and it has alarmed many friends, neighbors, colleagues and even those who don't normally share political points of view. The violations of the Second, Fifth, Sixth and Fourteenth Amendments are clear and obvious.

That an individual could be deprived of rights under the Constitution without ANY conviction or even indictment of a crime is unconscionable. Furthermore, this bill turns the presumption of innocence as ensconced in the due process guarantees laid out in the Fifth and Fourteenth Amendments on its head. Why should a citizen—not convicted of any crime—have the burden of proof in opposing a government confiscation of his/her personal property and a government-backed suspension of his/her Constitutional rights and liberty to defend himself/herself? The Fifth Amendment states that no citizen may “be deprived of life, liberty or property, without due process of law.” The Fourteenth Amendment clearly precludes “any State [to] deprive any person of life, liberty or property without due process of law.” HB19-1177 fails to provide even the same due process to an individual who has committed no crime to that of an indicted criminal. The bill allows government to deprive an individual from his/her liberty to keep and bear arms and his/her property. And it does so based on the accusations, not of a grand jury or a prosecutor, but on the potentially hearsay evidence of any number of individuals with potential axes to grind. This bill also requires the LEAST stringent evidentiary rules in any civil court for a government action that suspends multiple rights and guarantees of the US Constitution for a YEAR. If this bill is justified to “prevent something that might happen” from somebody who has committed no crime, what is the next step? Can individuals who represent certain demographic classifications or who live in certain geographic areas have their rights suspended because there's a potential they might commit a crime?

What is a credible threat? What is a reasonable feeling of being threatened? What constitutes “corroborated evidence of the abuse of alcohol?” These justifications in the bill for an emergency confiscation are enormously subjective evaluations from individual points of view. In the bill's language, it is clear the author intended to encourage petitioners to come forward by protecting them from specific prosecution for wrongful intent and even provides an amount of immunity for petitioners whose petitions were declined if pursued in “good faith.” Just what is “good faith?” No similar protection is offered for the respondent. The “Emergency Risk Protection Order” can have law enforcement at a respondent's door demanding their property with no other due process for two weeks, also leaving

them no means to protect themselves as is their right given by God and enumerated in the Second Amendment. A respondent may not have even known they were being accused or who accused them or what evidence was being alleged nor have had any opportunity to rebut it. The bill allows a telephone hearing without the presence of the respondent to rebut the allegations of the petitioner. The Sixth Amendment guarantees a public trial and requires a defendant to be informed of the nature and cause of the accusation, to be confronted with witnesses against him; to have a compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defence [sic].” None of the process described in HB19-1177 complies with this standard which the founders laid out in black and white. In fact, the “accused” may very well be asleep in the middle of the night as a telephone hearing is being conducted that leads to the suspension of their rights. Furthermore, in the process described in HB19-1177, the respondent has one and only one attempt at appealing the administrative decision to suspend his rights and confiscate his property for a YEAR. During such one-and-only-one hearing, the respondent bears the responsibility to PROVE he/she is fit to possess a firearm. He/She must also expend time and money defending what is already guaranteed in the Constitution unless the court determines him/her as indigent. To some, the mere possession of a firearm by anybody is something to be feared. To some individuals, any person with a firearm has a high likelihood of being a “danger to themselves or others.” Under HB19-1177, even estranged lovers (with no statute of limitation on timeline) can petition the government to deprive a former intimate partner of property and God-given rights and the hearing to do so can be done initially over the telephone!

Please reject this this bill. Our Constitution provides protections to the liberty of all Americans. Good intentions don’t make good laws. Suspending the Constitutional rights and liberty of individuals who have committed no crime in an attempt to “stop something that might happen” is not a road that a government truly “by, for and of the people” should go down. What is the next step down this slippery slope? When will government determine that certain driving behaviors, spending habits, affinities for certain types of music, political leanings indicate a propensity for potential criminal behavior in the future? Will such determinations constitute a means for other government suspensions of other rights for the sake of “safety” from “something that might happen?” Rather than brushing off consideration of where this type of law might directly lead with similar justifications, I ask you to really consider it. History is replete with examples of dictatorships that started down such slippery slopes.

A vote for this bill is a vote to violate the sacred and God-given rights enumerated in the US Constitution—the same Constitution hundreds of thousands have sacrificed their lives to defend; the same Constitution you have taken an oath as a legislator to support and defend. Vote No. I will be monitoring closely your votes on this bill for wide dissemination and hope to report your rejection of this bill which would clearly violate citizen rights.

Thank you for your commitment to the Constitution and for your fervor in upholding your oath to it.

John Q. Public
Colorado Springs