



## **“Red Flag” Gun Confiscation - S.292**

Sen. Marco Rubio (R-FL)  
117<sup>th</sup> Congress - Introduced 2/9/2021  
NAGR Position: **Strongly Oppose**

Last Updated: 5/21/2021

### **What the Bill Does:**

“Red Flag” Gun Confiscation bills (disingenuously titled Extreme Risk Protection Orders) call for legally owned firearms to be forcibly confiscated from law-abiding Americans without due process, based on unsubstantiated accusations from disgruntled family members, neighbors, co-workers, and/or current or ex-romantic partners, or roommates. In other words: **Gun Confiscation without due process.**

**The National Association for Gun Rights expects all pro-gun members of the U.S. House and Senate to join us in opposing this type of gun confiscation.**

### **Why it’s Bad for Gun Owners:**

- The Myth of Due Process: Not a single one of the states with “Red Flag” laws has due process. It is impossible to have due process and confiscate guns first.
- A preliminary order may be entered ex parte, meaning that the person who is the subject of the order need not be given notice or appear.
- Dangerous for Law Enforcement and Gun Owners Alike (lives are at stake): “Red Flag” gun confiscation laws put law enforcement officers and everyday citizens in danger, as evidenced by a Maryland man who was shot and killed by a SWAT team in his own home during an unannounced raid at 5 o'clock in the morning.
- Ripe for Abuse: Abusive partners, and criminals will use “Red Flag” laws to disarm their partners, neighbors, and potential victims. “Red Flag” laws target law-abiding citizens who have not committed a crime, in other words, it’s an unconstitutional “pre crime” program similar to what you’d expect to see in Communist China.
- Bribing States: Another federal money handout used to bribe states into passing strict and more-infringing “Red Flag” laws, while punishing states that do not.
- “Red Flag” Laws are about taking guns, and only guns: They aren't confiscating knives, prescription meds, cars, or propane tanks.
- All 50 states already have procedures to separate criminally insane individuals and guns.

**The National Association for Gun Rights will score any vote or legislative action to advance any “Red Flag” law, including a grant program, as an anti-gun.**

**Related Bills:** H.R. 3480- “Red Flag” Gun Confiscation- Rep. Carbajal, Salud O. (D-CA-24), S. 1819 “Red Flag” Gun Confiscation-Sen. Feinstein, Dianne (D-CA)