

---

SUNDAY, SEPT. 25, 2016

## Initiative 1491 of Washington would allow judges to order some people to surrender guns

By [Jim Camden jimc@spokesman.com](mailto:Jim_Camden_jimc@spokesman.com)(360) 664-2598  
The Spokesman-Review

For the second time in three years, supporters of tougher gun laws are asking Washington voters to approve a law they couldn't get through the Legislature.

[Initiative 1491](#) would create a new type of court order in the state, allowing judges to require people who've been determined to be at "extreme risk" of danger to themselves or others to surrender any guns they have and bar them from buying more.

Supporters prefer to call it a gun safety measure rather than a gun control law. Along with objections from gun rights advocates, I-1491 has raised questions from mental health advocates and civil liberties groups.

The proposal unfairly mixes people at risk of suicide with people who might commit mass shootings, and is being "oversold" on what it can deliver, said David Combs, a facilitator who runs mental health support groups and serves on boards involved in mental health and disabilities.

The mentally ill are far more likely to be victims of violence than they are to commit it, and most people who commit violent crimes are not mentally ill, he said.

[Advocates of I-1491](#) say extreme-risk protection orders focus on potential suicide victims. In 2014, the most recent year for statistics in a recent study, Washington had 702 deaths from firearms, and 580 of those were suicides, the Alliance for Gun Responsibility said recently.

Take guns away from people at risk of suicide, supporters contend, and the people are less likely to complete the act by using other means. [A study](#) in Connecticut, which has had a similar law for about 14 years and has issued more than 700 protection orders, estimates as many as 78 suicides have been prevented.

Marilyn Balcerak, a sponsor of I-1491, said her family tried to keep her son, who suffered from bouts of depression, from buying a gun. They went to police with their concerns but were told nothing could be done through the courts. Eventually he bought a gun at a local store and used it to kill himself and his stepsister.

The initiative would help other families to prevent similar tragedies, she said.

The protection orders are patterned after domestic violence protection orders, but instead of a spouse or partner, they would allow other family members or law enforcement to go to court. A temporary order of up to 14 days could be issued without the subject present if the court were to receive enough evidence of imminent danger, but the full one-year order would require a hearing where the subject is required to be present with legal counsel. A new round of hearings would be required to renew the order after the year is up.

Filing a false statement to obtain an extreme-risk protection order would be a gross misdemeanor. Violating an order would be a gross misdemeanor the first two times but a felony the third time.

Legislative Democrats tried twice in 2015 and twice in 2016 to add such a process to state law. None of the bills came up for a floor vote, and the two Senate bills didn't even get a hearing.

Passing the initiative would be "a reminder to all legislators who are afraid to act," Balcerak said.

But I-1491 requires no treatment for the subject of an extreme-risk protection order, it just takes away guns "and leaves them looking for other means" to commit suicide, Combs said. Early intervention is the key to preventing suicide for those with mental illness, he said, and on that score the Legislature has acted by passing [Joel's Law](#), which allows a family to seek an order for involuntary treatment for someone at risk of suicide.

The lack of treatment has some mental health advocacy groups concerned, although they haven't come out against the initiative, Combs said. There's also an issue about privacy rights of the mentally ill, because the protection orders would be public.

Combining suicides with mass shootings, as supporters do in their statement in the Voter's Guide, is an effort to play on emotions by mixing two unrelated things, Combs added. Preventing mass shootings with protection orders is "a promise that can't be kept," he contends, because there's no established profile of a mass shooter, other than most are white, male and loners.

"I don't think we're going to take guns away from every white, male loner," he said.

In 2014, Washington voters reversed a long string of defeats for gun control measures by passing more extensive background checks on firearms sales. The Alliance for Gun Responsibility spent more than \$10 million on that campaign, dwarfing more than \$450,000 spent by the National Rifle Association and about \$150,000 by Washington gun rights advocates.

This year the Alliance has raised more than \$3.5 million, but the NRA and other gun rights groups have not mounted a formal opposition campaign. Combs created the

website [Know1491.org](http://Know1491.org), which argues against the initiative, and said he will soon file as a campaign committee with the Public Disclosure Committee.