

## Introduction

The course "Red Flag Laws and Domestic Violence Orders" presented by Professor Jody Madeira provides an in-depth look into the legal mechanisms and implications of red flag laws and domestic violence orders in the United States which restrict individuals from accessing firearms.

## Red Flag Laws

Red flag laws, also known as Extreme Risk Protection Orders (ERPOs), are designed to prevent individuals deemed to be a threat to themselves or others from accessing firearms. These laws allow courts to issue orders temporarily removing firearms from such individuals based on evidence presented by law enforcement, family members, or other concerned parties.

## Key Cases

1. Case: Connecticut's Risk Warrant Statute (1999)
  - Relevance: Connecticut was the first state to enact a red flag law following a workplace shooting. The statute allows law enforcement to seek a warrant to remove firearms from individuals posing an imminent risk of harm.
2. Case: Indiana's Jake Laird Law (2005)
  - Relevance: Named after an Indianapolis police officer killed by a mentally ill person, this law allows for the removal of firearms from individuals considered dangerous. It has been a model for other states' legislation.
3. Case: Florida's Risk Protection Order Act (2018)
  - Relevance: Enacted after the Parkland school shooting, this law allows family members and law enforcement to petition for a risk protection order to prevent individuals from purchasing or possessing firearms.

## Key Laws

1. Gun Violence Restraining Orders (GVROs) - California
  - Relevance: California's GVROs enable family members, law enforcement officers, and employers to request a court order to temporarily remove firearms from individuals deemed a threat.
2. Extreme Risk Protection Orders (ERPOs) - Washington

- Relevance: Washington's ERPO law allows family members and law enforcement to petition for the temporary removal of firearms from individuals posing a significant danger to themselves or others.
3. Red Flag Law - Virginia
    - Relevance: Virginia's law, also known as a Substantial Risk Order, allows for the temporary removal of firearms from individuals who pose a substantial risk of injury to themselves or others.

## Domestic Violence Orders

Definition and Purpose:

Domestic violence orders, such as restraining orders or protective orders, aim to protect victims of domestic violence by restricting the perpetrator's access to the victim. These orders often include provisions that prohibit the possession of firearms by the abuser.

### Key Cases

1. Case: United States v. Castleman (2014)
  - Relevance: The U.S. Supreme Court held that a misdemeanor domestic violence conviction can disqualify an individual from possessing firearms under federal law.
2. Case: Voisine v. United States (2016)
  - Relevance: The U.S. Supreme Court ruled that reckless domestic assault qualifies as a misdemeanor crime of domestic violence, thus prohibiting the offender from owning firearms.

### Key Laws

1. The Lautenberg Amendment (1996)
  - Relevance: This federal law prohibits individuals convicted of misdemeanor domestic violence or subject to a restraining order for domestic abuse from possessing firearms.
2. Violence Against Women Act (VAWA)
  - Relevance: VAWA includes provisions that protect victims of domestic violence and sexual assault, including restrictions on firearm possession by abusers.

3. Case: United States v. Rahimi (pending 2024)

- i. Relevance: Rahimi, subject to a civil protective order for domestic violence, challenged his prohibition from possessing firearms under 18 USC § 922(g)(8) based on the Supreme Court's decision in New York State Rifle & Pistol Association v. Bruen (2022). The case questions the historical analogues for firearm restrictions and could redefine the balance between domestic violence protective orders and Second Amendment rights.