



Written by [Raven Clabough](#) on January 15, 2020

Judge Denies Red Flag Law Confiscation Request for First Time

A Colorado judge has denied a request to confiscate a resident's firearms for the first time under the state's controversial new "red flag" law, the [Daily Wire reports](#).

The "Zackari Parrish Violence Prevention Act" — named in honor of a sheriff's deputy shot in the line of duty by a mentally ill man — allows family members and law-enforcement agencies to petition the court for an "Extreme Risk Protection Order (ERPO)," which requires the subject against which the petition is filed to surrender his or her legally owned firearm(s). Under the law, a judge would then make the determination as to whether the protection order will be granted, and if so, the firearm is confiscated. A court hearing is required to take place within 14 days to decide whether the confiscation should be extended.



The new red flag law has just gone into effect in January, resulting in at least four temporary ERPOs. For the first time since the law has taken effect, a judge has denied the petition, CBS Denver reports. The petition was filed by a Limon woman who claimed a man with whom she was in a relationship had threatened her with a gun. According to the request, which was obtained by CBS, the man had issued "verbal and physical threats" against the petitioner. The woman also claims the man struggles with alcohol and marijuana problems.

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It's unclear why the judge denied the request as that was not made public, but CBS Denver notes Lincoln County, where the petition was filed, has indicated it would not honor the unpopular red flag law. In fact, more than half the counties in Colorado have pledged to not comply with the state's red flag law.

Many gun owners have voiced their opposition to Colorado's law.

"Red flag laws just allow for harassment of legal gun owners," one gun owner told CBS News.

"I don't think it's going to be applied fairly. Anybody can say pretty much what they want about anybody else," John Shearer told CBS4's Rick Sallinger.

And while the majority of Americans supposedly support red flag laws, constitutionalists recognize the dangers they pose.

As noted by *The New American*, not only do red flag laws violate due process, they are also ripe for abuse and can be weaponized against political opponents:



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In light of the Trump Derangement Syndrome that has affected so many since the president took office, it is not far-fetched at all to imagine a person afflicted with this mania to name Trump-supporting family members as potentially harmful and have them hauled before a judge with their rights protected by the Second Amendment in the balance.

Former Texas Representative Ron Paul observed that the laws have the potential for creating violence, not preventing it. “Red flag laws have led to dangerous confrontations between law enforcement and citizens who assumed that those breaking into their property to take their guns are private, rather than government, thieves,” he wrote.

Paul warned against the temptation of allowing the government to infringe upon our rights for security: “All decent people oppose domestic violence and terrorism. However, the desire to catch and punish wrongdoers does not justify violating the Constitution or denying anyone due process. When government violates the rights of anyone it threatens the liberties of everyone.”

Republicans in both the Kansas and Oklahoma legislatures have [proposed](#) measures to prevent the federal government from enforcing red flag laws after President Trump pledged his support for them during an address following the mass shootings in El Paso and Dayton.

“There’s numerous violations of the Bill of Rights taking place by these red flags laws,” opined Tulsa-area Republican State Senator Nathan Dahm, who is sponsoring Oklahoma’s measure.

And the opposition to the laws does not come strictly from the Right. The American Civil Liberties Union of Rhode Island prepared a 14-page analysis on the overreach of the state’s red flag law.

“It is worth emphasizing that while a seeming urgent need for [the law] derives from recent egregious and deadly mass shootings, [the law’s] reach goes far beyond any efforts to address such extraordinary incidents,” the authors wrote. “As written, a person could be subject to an extreme risk protective order (ERPO) without ever having committed, or even having threatened to commit, an act of violence with a firearm.”

A study by the RAND Corporation has [found](#) inconclusive evidence that ERPOs prevent gun violence. And the Foundation for Economic Education observes that while red flag laws in California and Washington, D.C. have “gone entirely unused,” elsewhere, in states such as Florida and Maryland, they have been used to disarm hundreds of gun owners, though it remains unclear whether that has served to stop any potential shootings.



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