

Testimony of Vic Bencomo
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U.S. Senate Judiciary Subcommittee on the Constitution
Stop Gun Violence: Extreme Risk Order / “Red Flag” Laws
April 28, 2021

Good afternoon. Thank you, Chairman Blumenthal and members of the committee, for the opportunity to testify today. My name is Vic Bencomo. I am a father, husband, gun owner, hunter, and a proud Colorado resident of over 30 years.

As a veteran who served 21 years in the US Navy, I know what it means to be a patriot. I supported and defended the Constitution and the laws of the United States of America against all enemies, foreign and domestic. But today, I'm here with you as the president of the Colorado chapter of Giffords Gun Owners for Safety. We are a group of thousands of hunters, sport shooters, concealed carriers, and collectors who support responsible gun ownership and common-sense gun laws. We proudly support the Second Amendment, but we cannot ignore that our country is in the midst of a crisis.

Each year, nearly 40,000 Americans die from gun violence, and tens of thousands more are shot and injured. I've seen violence: in Iraq, we understood that serving our country came with an inherent risk. We put our lives on the line knowing that we may never come home. But that's not a risk that should extend to our neighborhoods, schools, and places of worship. We are just four months into the year, and already we've seen devastating tragedies in Atlanta; Indianapolis; Orange, California; Rock Hill, South Carolina; and Boulder in my home state of Colorado—and the list keeps growing. The daily threat of gun violence is a shocking reality in countless communities across the country. As a veteran, I'm witnessing my fellow servicemen and women take their lives at a catastrophic rate. More than 17 veterans die by suicide daily nationwide. That is over 6,400 veteran suicides a year.¹ Firearms are used in nearly 70% of these deaths. Our veterans answered the call, served their country, and have lost so much on the battlefields already. It's unacceptable to let them lose their lives at home.

Tragically, Colorado's veteran suicide rate is above the national average. Out of the 173 veterans who died by suicide in our state in 2018, 112 of them used a firearm.² But these are more than just staggering statistics to me. More than once, my phone rang and on the other end was a veteran asking for help. I have personally taken their firearms when no one else would.

¹ "2020 National Veteran Suicide Prevention Annual Report," US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention, <https://www.mentalhealth.va.gov/docs/data-sheets/2020/2020-National-Veteran-Suicide-Prevention-Annual-Report-11-2020-508.pdf>. See *also*, "National Suicide Data Report Appendix," US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention,

² "Colorado Veteran Suicide Data Sheet, 2018," US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention, <https://www.mentalhealth.va.gov/docs/data-sheets/2018/2018-State-Data-Sheet-Colorado-508.pdf>.

It was I who answered the call that night, I was the one who drove to his house, I was the one who convinced him to seek help, I was the one who took him to the hospital, I was the one who took possession of his firearms. I was the one who agreed to take custody of him once released from the hospital. But 6,400 veterans that committed suicide last year did not have an “I” to help them.

Temporarily keeping guns out of the hands of people who have been found by a court to pose a significant risk to themselves or others is not an infringement on their Second Amendment rights—it could be what saves their lives, and the lives of others. In 2019, I testified in front of the Colorado legislature in support of HB 1177, the Deputy Zackari Parrish III Violence Prevention Act, to help protect our veterans, their families, and our communities. That bill was passed into law, making Colorado the 17th state with an extreme risk law. As of April 2020, 19 states and the District of Columbia have enacted these laws.

The path to passing an extreme risk law in Colorado was not as easy one. Many opponents of gun safety raised unfounded fears that such a law would lead to mass confiscation of weapons from law-abiding gun owners, or that the law could be weaponized and used to retaliate against others. Several counties throughout the state declared themselves so-called “Second Amendment sanctuaries,” and sheriffs announced plans to block the law from being used.³ After the law passed, gun safety opponents mounted an unsuccessful attempt to recall the sponsor of HB 1177 and remove him from office.⁴ But after a year of the extreme risk law being in place, it’s clear that it has been a useful tool to save lives without infringing on the Second Amendment rights of Coloradans.

In 2020, at least 112 petitions were filed by law enforcement and family members.⁵ Colorado’s extreme risk law was used to disarm a 47-year-old veteran who threatened to shoot himself and police officers, a 20-year-old man who posted online that he wanted to buy an AR-15 and kill women at a sorority house, a 37-year-old man who expressed suicidal intent, a woman who said she would kill herself and kill law enforcement, and dozens of others at risk of harming themselves or others.⁶ It’s important to note that not all of the petitions filed resulted in extreme risk protection orders issued and guns removed. But that’s just further evidence that this law not only works, but also protects individual rights and doesn’t allow a person’s guns to be removed without real evidence that the person is a danger to themselves or others. And significantly,

³ James West, “Inside Colorado’s Epic Battle Over a Popular Gun Safety Law,” *Mother Jones*, October 23, 2020.

<https://www.motherjones.com/politics/2020/10/film-documentary-colorado-red-flag-law-opposition-sanctuary-second-amendment/>.

⁴ Anna Staver, “Gun control groups nationwide declare victory over scrapped recall of Colorado Rep. Tom Sullivan,” *The Denver Post*, June 11, 2019,

<https://www.denverpost.com/2019/06/11/colorado-recall-tom-sullivan-gun-control/>.

⁵ Elise Schmezler and Shelly Bradbury, “Colorado’s red flag law is one year old. Here’s who’s using the law to confiscate guns — and why,” *The Denver Post*, January 10, 2021,

<https://www.denverpost.com/2021/01/10/red-flag-law-colorado-first-year-2020-stats/>.

⁶ *Ibid.*

many law enforcement officials who opposed the law later ended up using the law and found it to be an effective tool to prevent violence.⁷

If this law were available in more states, I have no doubt that it could be a very effective tool to save lives, especially for our veterans who are at a high risk of suicide.

Congress should support states' efforts to pass and implement extreme risk legislation. Several of the examples I mentioned about how Colorado's law was used involve people with suicidal intentions. Extreme risk protection orders are a critical tool in helping to prevent gun suicides, which represent 60 percent of gun deaths. Guns are used in only five percent of suicide attempts, but are responsible for over 50 percent of all suicide deaths, because suicides attempted with guns are fatal 85 percent of the time, far more often than suicides attempted by other means.⁸ Put simply, people are more likely to die by suicide if they have easy access to firearms, and far less likely to die by suicide if they do not. For many individuals, this may mean the difference between life and death: nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.⁹

In the last two Congresses, there has been bipartisan support for legislation that would give grants to states that have enacted such legislation or provide a procedure to seek an extreme risk order from a federal court. Saving the lives of veterans and others at risk of suicide shouldn't be a partisan issue. I urge this Congress to prioritize similar legislation, and I thank Senator Feinstein and Senator Blumenthal for their leadership on this issue.

Now more than ever, it's clear that we need to strengthen our gun laws at the federal level in order to reduce gun violence. As a gun owner, veteran, and father, I have one message for the Senate: please do everything in your power to save lives from gun violence and save veterans from suicide, including supporting states in their efforts to pass and implement extreme risk laws.

Thank you.

⁷ *Ibid.*

⁸ Giffords Law Center to Prevent Gun Violence, "Confronting the Inevitability Myth: How Data-Driven Gun Policies Save Lives from Suicide," September 2018: 8, 25, https://giffords.org/wp-content/uploads/2018/09/Giffords-Law-Center-Confronting-The-Inevitability-Myth_9.3.18.pdf.

⁹ David Owens, Judith Horrocks, and Allan House, "Fatal and Non-fatal Repetition of Self-harm: Systematic Review," *The British Journal of Psychiatry* 181, no. 3 (2002): 193–199.