Red-Flag Gun Law Proposals: A Comparative Case Study using Texas and Florida

Logan Manning

Point Loma Nazarene University

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Introduction

In 2023, the United States had 43,071 gun-related deaths, including 300 children aged 0-11 and 1,395 teens aged 12-17 (Gun Violence Archive 2024). The escalation in calls for changes in state gun policy from gun control activists has prompted multiple states, including Florida and Texas, to explore policy options that balance public safety and individual rights. One policy model that has gained attention is called a Red-Flag gun law, which allows for the removal or revocation of a person's ability to possess a firearm based on the potential or actual risks a person has displayed, according to a state's superior court. Red-flag laws take numerous different names throughout the states that have enacted them (for instance, Extreme Risk Protection Orders, Gun Violence Restraining Orders, Risk Firearm Protection Orders, Emergency Substantial Risk Orders, Firearm Restraining Orders, Gun Violence Protective Orders, Lethal Violence Protective Orders, Risk Protection Orders, Risk Warrants, Proceeding for the Seizure and Retention of a Firearm), but what they have in common is that through court-issued orders they revoke a person's legal right to access firearms.

When states explore policy solutions to gun violence, they have to balance the competing political factions that have stark differences in opinions on how to solve the issue of gun violence. This research paper does not explore whether Red-Flag laws are effective or ineffective, constitutional or unconstitutional, or if Red-Flag gun laws are the correct option for states to proactively prevent gun violence for the sake of making a political argument. Instead, this paper explores the differing approaches that states in the U.S. have taken to passing and implementing Red-Flag laws. Furthermore, the arguments of constitutionality and effectiveness are explored only to understand further how the individual state responds to gun policy

proposals. For example, in recent years, Texas has taken a permissive gun legislation approach (sometimes known as a "more guns" approach), whereas Florida has passed legislation with a regulatory approach. Florida's approach has opened the door for politically conservative states to propose and pass policies that have typically been viewed as progressive gun control legislation. Therefore, this paper focuses on the policy adoption of Red-Flag laws at the state level, analyzing the factors that lead to or prevent these laws, particularly in politically conservative states.

Statement of Research

In this study, I explore the political factors that led to the successful passage of a Red-Flag gun law in one state and the failed passage in another, using Florida and Texas as the comparative case studies. Texas and Florida have several similarities in terms of their political landscape, southern gun culture, and a recent history of mass casualty shootings. Both states had proposals for red-flag gun laws in 2018, and while Texas's proposal failed, Florida's passed. Therefore, these two states offer a unique opportunity to compare differing policy outcomes despite similar contexts.

Background

Red-Flag laws are laws that remove firearm access from a person deemed by a state superior court to be at risk of harming themselves or others. Red-Flag laws are primarily used in three different contexts. First, they are used to prevent suicides by removing access to firearms from a person experiencing suicidal ideation. Second, they are used to prevent mass shootings by removing access to firearms from a person shown to be at high risk for harming others. Third,
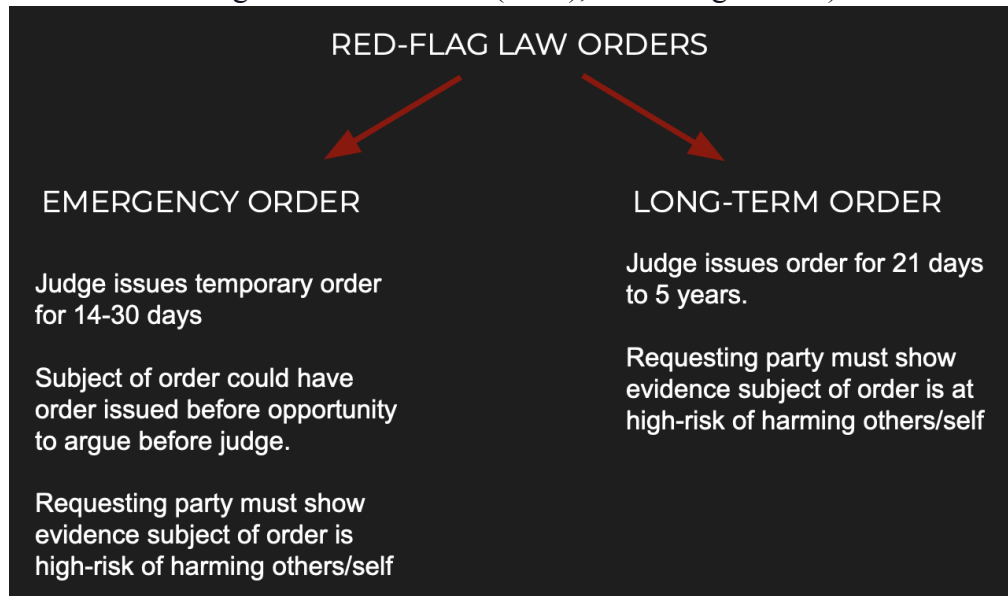
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they are used to remove access to firearms from a person shown to be at high risk for hurting their intimate partner.

Red-Flag orders are obtained through a state's superior courts. First, a person must request a petition from their local superior court (generally, you must be a law enforcement officer, but this varies by each state's law). Second, once a petition is completed and submitted with all necessary paperwork, a judge will review the petition. Then, if the judge finds the petition substantial and urgent enough to grant an emergency order, law enforcement could serve the subject of the order with an emergency protection order. The court will then schedule a hearing within 3 to 21 days (depending on state law). After that, the judge will hear the petitioner's arguments and the subject of the petitioner's arguments, and after doing so, the judge can issue or deny the petition for a long-term order. Following the judge issuing an emergency, temporary, or long-term order, the subject of the petition cannot possess any firearms or ammunition, purchase any firearms or ammunition, or inherit any firearms or ammunition. The subject of the order must allow for the seizure of any firearms/ammo they have access to. The exact stipulations of the order can vary from state to state. However, generally, all states follow the same model of removing access to any firearms and ammo from the subject of the petition.

Two forms of orders can be issued under Red-Flag laws. First is an emergency order, where a judge issues a temporary order for 14 to 21 days in urgent situations. The petition subject might have the order issued against them before their opportunity to be heard before the judge. The petitioner has the burden of proving that the subject of the petition is at risk by possessing firearms. The other form of court orders from a Red-Flag law is a long-term order. A judge can issue a long-term order from 21 days to 5 years (depending on state law). The subject

of the order must be heard before the judge, and the petitioner(s) hold the burden of showing why the subject of the petition is at risk by possessing firearms. The burden of evidence for these orders varies by state and the duration of the emergency and long-term orders.

Figure 1: Types of Red-Flag Orders
(Information based on Segun and Milholland (2021), "Red-Flag Laws.")

RED-FLAG LAW ORDERS

EMERGENCY ORDER

Judge issues temporary order for 14-30 days

Subject of order could have order issued before opportunity to argue before judge.

Requesting party must show evidence subject of order is high-risk of harming others/self

LONG-TERM ORDER

Judge issues order for 21 days to 5 years.

Requesting party must show evidence subject of order is at high-risk of harming others/self

Red-Flag gun laws serve four main functions, all meant to prevent gun violence. First, a person who is the subject of a court order from a red-flag gun law will be restricted from possessing any firearms or ammunition. Second, their legal ability to purchase firearms or ammunition will be restricted. Third, their legal ability to inherit firearms or ammunition will be restricted. Fourth, the subject of the order must surrender or allow for the seizure of any firearms or ammunition they have access to.

Figure 2: Red-Flag Orders Functions
(Information based on Segun and Milholland (2021), "Red Flag Laws.")
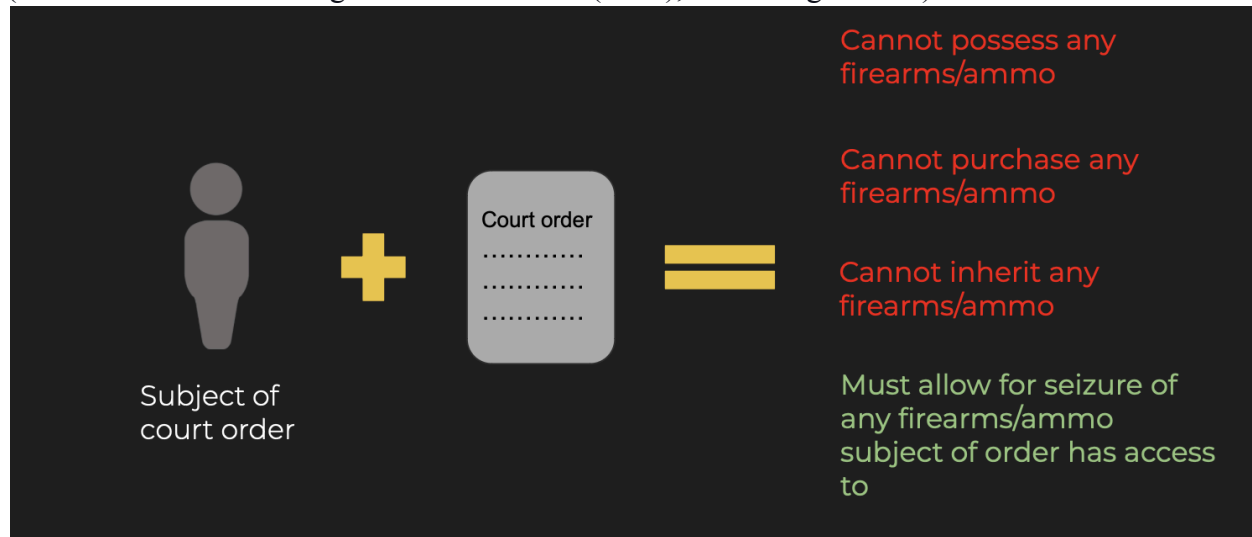
The first successful passage of a Red-Flag gun law proposal was in Connecticut in 1999 in response to a mass shooting at the Connecticut Lottery. Six years later, Indiana passed "Jake Laird's Law" in response to an Indianapolis police officer being fatally shot by a mentally ill person. The next successful passage of Red-Flag gun laws was not until 2016, when California and Washington state passed Red-Flag laws in response to the mass shooting in Isla Vista, California. In 2017, Oregon passed its Extreme Risk Protection Order law. In 2018, the District of Columbia, Vermont, Rhode Island, New Jersey, Massachusetts, Maryland, Illinois, Delaware, and Florida passed Red-Flag gun laws in response to a school shooting in Parkland, Florida. In further response, in 2019, New York, Nevada, Hawaii, and Colorado passed Red-Flag gun laws. In response to the Virginia Beach shooting in 2020, Virginia and New Mexico passed Red-Flag gun laws. In 2022, the Biden Administration signed the Bipartisan Safer Communities Act, which authorized grants and funding from the federal government to states if they enacted and enforced Red-Flag gun laws. Most recently, in 2023, Michigan and Minnesota passed Red-Flag gun laws. In total, 21 states have Red-Flag gun laws, and one (Maine) has a yellow-flag gun law

(which functions differently than Red-Flag gun laws by only allowing law enforcement to petition after a person has been detained and diagnosed with a mental health disorder by a mental health clinician).

Figure 3: Timeline of the passage of Red-Flag Laws
(Information based on Everytown (2023), "Red-Flag Laws.")
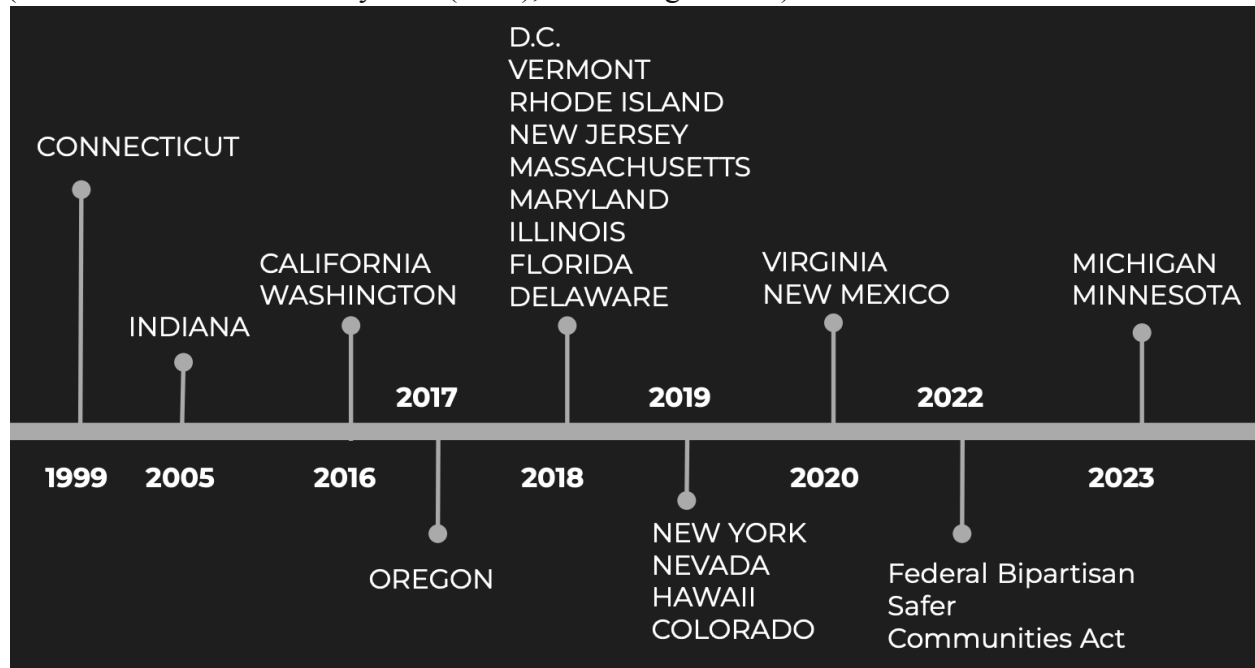
It's also important to note that some states have proposed Red-Flag gun laws, but these proposals have failed to pass. In total, twelve states have had proposals for Red-Flag gun laws that failed to pass. These states include Arizona (2019 and 2021), Kansas (2019), Kentucky (2019 and 2022), Louisiana (2023), Mississippi (2020), New Hampshire (2020), North Carolina (2018 and 2022), Ohio (2019 and 2022), Pennsylvania (2022 and 2023), Tennessee (2019, 2020, and 2023), Texas (2018), and Wisconsin (2022). In 2020, several Oklahoma legislators introduced America's first anti Red-Flag law, and the bill was passed by Oklahoma's state legislature. The law in Oklahoma has been the center of much controversy and accusations from

Democratic state legislators like Trish Ranson, who attribute the state's anti Red-Flag law to the state having America's second-highest rate of women being killed by men. Some police departments, such as the Norman Police Department in Oklahoma, also say the law has made it more difficult to protect victims of domestic violence.

Literature Review

This review will investigate several scholarly works that have studied the factors that can lead to policy change. This literature review aims to synthesize and analyze literature focusing on how previously studied models or findings can be used to identify common themes or trends relevant to gun policy.

Social Movement Theory

Doug McAdam (1982) notes that social movements are complex political processes that can result in legislative, social, and political change. McAdam defines a social movement as a collective group that involves a sustained and organized effort to challenge or resist societal norms, policies, or power structures (McAdam, 1982). McAdam further notes that social movement success is more likely when an open political opportunity structure is present, likely caused by a change in government policy, a crisis, or a breakdown in the existing social order (McAdam, 1982). Open political opportunity structures represent when a structure, political institution, or process is less controlled or dominated by an established group, allowing for great influence from outside (McAdam 1982).

Furthermore, mobilizing institutions, organization strength, and social networks that guide collective action are critical factors in the effectiveness of a social movement. As described in McAdam's case study of the Civil Rights Movement, both formal organizations, exemplified first by the NAACP and then by organizations like the Student Non-Violent Coordinating Committee (SNCC), and informal networks, such as local religious centers, are vital in providing leadership, resources, and a common goal that shapes the trajectory of the social movement (McAdam, 1982). Additionally, McAdam writes that the role of leadership is to inspire and facilitate collective action.

Other scholars have found a similarly important role for social movements in policy-making. For instance, Rohlinger and Earl (2012) argue that a social movement aims to raise awareness about specific issues and garner support for particular policy solutions. Furthermore, in their recent work, Meyer and Bourdon (2020) argue that social movements should be genuine, consistent, and able to seize opportunities to achieve this goal effectively. These pieces of literature indicate that social movements, particularly those pushing for policy change, are more likely to occur when political opportunity exists and an actor (or a highly organized group of actors) is prepared to take advantage of that opportunity.

Policymaking

In his seminal work on policy agendas, Kingdon (1984) argues that three things combine to shape the policy agenda: problem, policy, and politics. It's important to note that the agenda-setting happens before policymaking. First, in the context of agenda setting, the policy's agenda refers to an issue or set of issues that policymakers are considering at a particular time.

Second, the problem stream involves the recognition of a social issue as a matter of policy, such as a school shooting that brings attention to gun laws. Finally, the policy stream includes the existing development of a policy waiting for an opportunity to be proposed or implemented. The politics involve a policy window in which all three streams have converged to provide an opportunity that aligns with the political climate, an issue at hand, and a policy solution. However, in the United States, the policy window occurs for all policymakers on a given issue, meaning that sometimes a single issue might result in multiple proposed policy solutions (Gift, 2022). Kingdon would disagree, saying policy entrepreneurs are more prepared than other groups and that one group with a proposed policy can take advantage of the open political structure (as referenced by McAdam), and the group then pushes a piece of legislation that was already prepared, just waiting for an event (Makowsky & Stratmann, 2009). Fleming finds that policymaking emphasizes factors beyond event and response, which alerts us to factors such as ideology, opportunism, and fiscal considerations that influence policy (Fleming, 2012). Fleming's findings further emphasize Kingdon's analysis of how policies are made and proposed.

Gun Policies

Gun policies throughout the United States typically vary in their approach to reducing gun violence (Morral, 2018). Along with the varying approaches, it is difficult to measure the effectiveness of an individual gun policy because you are trying to prevent something that might happen from happening, which is relatively impossible to measure conclusively (Schell, Smart, and Morral, 2022). Additionally, various factors and policies can play a part in gun violence prevention (Cornell et al., 2013). Because of this, a majority of gun policy researchers agree that there is a wide variety of opinions on gun violence solutions (Burnett, 2022). In addition to it

being challenging to research gun policy effects, as a whole, gun policies need to be studied more (Morral, 2018). In 1996, Congress passed the Dickey Amendment, which froze federal funding for gun policy research in the U.S. and created an immense gap in studies on previous gun policies' effectiveness, which makes it difficult to propose new solutions (Rostron, 2018). Proposed gun policies often vary depending on the research that supports them, and sometimes no research can back up their possible effectiveness at all (Alcorn, 2017).

In comparison to other leading causes of mortality in the U.S., such as car accidents where seat belts offer an agreeable solution, gun violence is more complex. While seatbelts were once disputed for their effectiveness, generally, people have accepted them as a necessary piece of legally required safety equipment. Unlike seat belts, gun laws are wide and vary in their content. Thus, the solutions are less agreed upon (Stark & Shah, 2017). In the U.S., mass shootings did not have a statistical impact on the passage of legislation to tighten gun regulations in democratic states. However, mass shootings doubled the passage of laws that loosened gun regulations in conservative states (Luca et al., 2020). Because only about 1% of gun deaths stem from mass shootings, it is challenging to cater a policy aimed explicitly at exclusively reducing gun violence in the context of mass shootings. Mass shootings, however, could lead to policy changes, proposals, and passages by bringing attention to gun violence, even if the policy does not provide an effective way to specifically reduce mass shootings (Luca et al., 2020).

The above literature illustrates the complexity and multifaceted nature of gun policies and the concern about gun violence in the U.S. The literature recognizes how the problem, previous policy, and current political opportunities can shape the current gun policy agenda. Furthermore,

gun policy is deeply complicated to argue as effective or ineffective because of the challenges in measuring the success of a law that is attempting to prevent something from happening.

Student Movements

Student movements can also trigger political action. Cullen (2019) finds that the student-led social movement following the Parkland, FL high school shooting utilized generational guilt, social media, and a knowledge of news cycles to mobilize their social movement. Furthermore, the mobilization of institutions, non-profits, celebrities, and gun control lobby groups led to increased funding and organizational leadership. Cullen draws a connection to Kingdon's findings on policymaking in that gun control advocacy groups had policies ready to offer to policymakers and utilized the Parkland shooting to create a national push for their policy proposals. Morris (1981) also finds that student movements can form from pre-existing institutions and organizational forms. The movement's spread often follows pre-existing institutional relationships, such as high-school students organizing a nationwide high-school student walkout. There are also risks associated with student-led social movements. Concerns that students won't be taken seriously, risk of student suspension, and ill-equipped student leadership (Bettencourt, 2019). Furthermore, McAdam (1986) argues the importance of a distinction between low and high-risk activism and a solid ideological identification with the values of a movement that makes an individual more likely to participate.

In synthesizing the literature explored, it becomes clear that these scholars' various findings intersect to provide a foundation by which to study this paper's research question. Through the lens of social movement theory, the connections between policymaking and social

movements give a comprehensive understanding of how and why controversial laws are passed or not passed, depending on the political factors at work and even when the context is largely similar.

Methods

For this study, I use a most-similar-systems research design that compares very similar cases that only differ in value on the dependent variable. For example, Florida passed its Red-Flag gun law on March 9th, 2018, which was 23 days after the high school shooting in Parkland, Florida, that killed 17 people. In contrast, Texas failed to pass a Red-Flag gun law just weeks after the Sante Fe, Texas, high school shooting that killed 10 people on May 18th, 2018. Both the landscape of the states and the events have similarities on the surface and even deeper similarities after investigation. The focus of choosing these states was to study how two similar cases could result in different outcomes (passage of a Red-Flag gun law). To do this, I used process tracing, a research method of developing and testing various theories in the context of a social science case study.

Data Analysis

In the section that follows, I present key data points and an analysis of the data to illustrate the most similar systems design that was used to compare Florida and Texas. I also present data and analysis of the data that provides context to the political factors that influenced the different outcomes of Red-Flag gun law proposals in Florida and Texas.

Political Landscape of Florida and Texas

Figure 4: Comparison of States

	Florida	Texas
Populations of more than 11 million people	x	x
Southern Region of U.S.	x	x
Republican Governor in 2018	x	x
R. Legislative Majority in 2018	x	x
FBI Violent Crime Rate 2019	378.4	418.9

Figure 4 is quantitative data comparing Texas and Florida. Both states had proposals for a Red-Flag gun law; however, Florida passed a Red-Flag gun law, and Texas did not. In 2018, both states had similar political landscapes, with Republican governors and Republican legislative majorities. Both states have a population larger than 11 million residents in the United States' southern region. Furthermore, a majority of the population of both states voted for the Republican candidate in the 2020 presidential general election. Moreover, according to data from the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) database, the states had similar violent crime rates in 2019, with Florida having a violent crime rate of 378.4 and Texas 418.9, respectively.

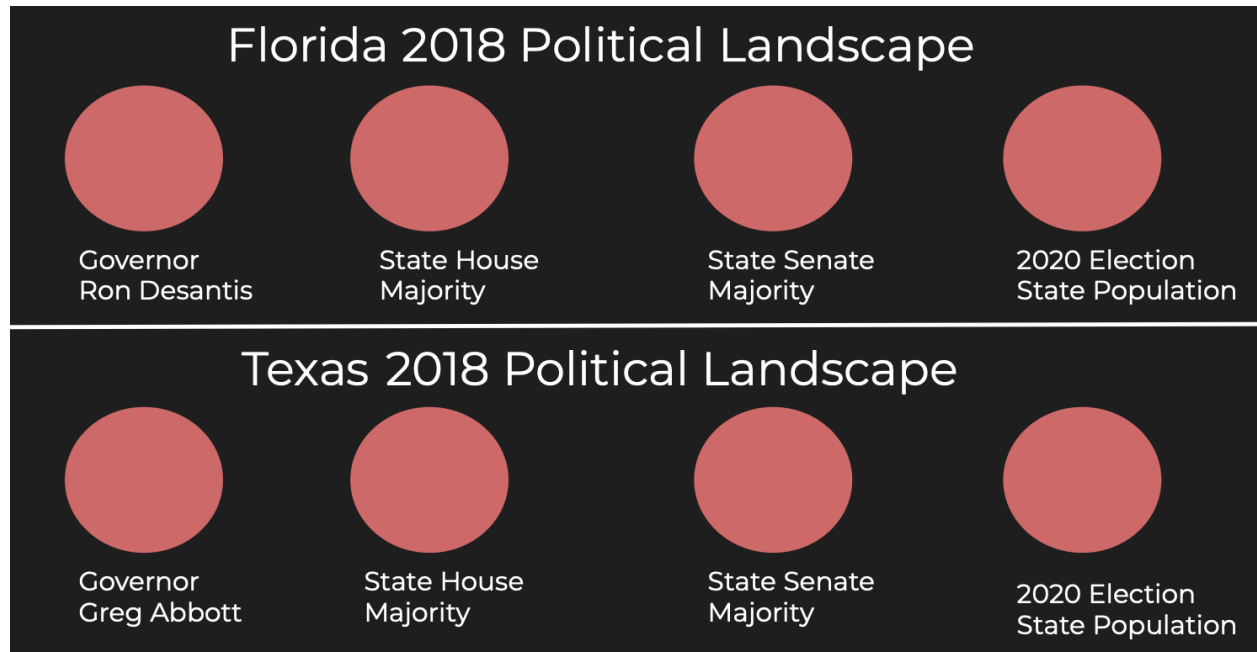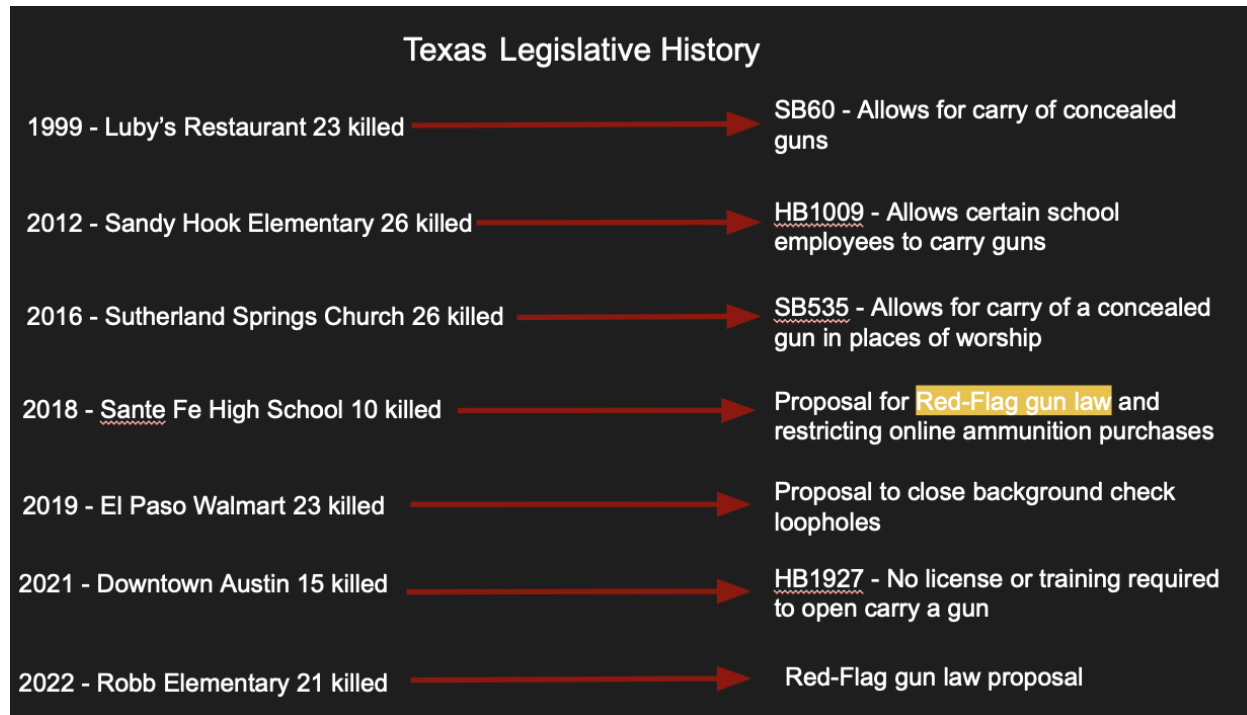**Figure 5:** Florida and Texas 2018 Political Landscapes

Figure 5 visually represents both states' political landscapes during 2018, when each state proposed a Red-Flag law. Each red circle represents the Republican majority in political party affiliation.

Figure 6: History of Texas Gun Legislation

Using Figure 6, we can see that Texas has a history of passing permissive gun laws after mass shooting events. First, after the Luby's Restaurant shooting in 1995 that killed 24 (making it the 6th deadliest shooting in U.S. history), Texas passed SB60, which allowed for concealed carrying of firearms. In 2013, after the Sandy Hook elementary school shooting in Connecticut that killed 26 people, Texas passed HB1009, which allows certain school employees to carry firearms. In 2016, after the Sutherland Springs Church shooting in Texas that killed 26 (making it currently the 5th deadliest shooting in U.S. history), Texas passed SB535, which legalized carrying weapons in houses of worship. In 2018, after the Sante Fe High School shooting, Texas Governor Greg Abbott recommended several pieces of legislation to be included in the School & Firearm Safety Action Plan. Governor Abbott recommended a Red-Flag gun law, laws holding parents accountable for gun violence caused by their children, and online ammunition purchasing restrictions. The bill eventually passed without many of the restrictive gun laws, including the

Red-Flag proposal. In 2019, after the El Paso, Texas Walmart mass shooting that killed 22 people (making it the 7th deadliest shooting in U.S. history), Republican Lieutenant Governor of Texas, Dan Patrick, proposed a law that would close background check loopholes and include a Red-Flag law. This was unusual because the Lieutenant governor was also an outspoken advocate for the NRA. The bill did not make it to either state legislature. In 2021, Texas passed HB1927, which made it so a person does not require any license or training to open-carry firearms. After the 2022 Robb Elementary School shooting that killed 21 (making it the ninth deadliest shooting in U.S. history), Texas legislatures proposed a variety of bills. First, a Federal bill negotiated by U.S. Senator John Cornyn, a Republican from Texas, closed the "boyfriend loophole," which previously exempted some dating partners from a federal ban on firearm purchases for those convicted of domestic violence. The bill also included money for states to fund Red-Flag gun law programs. Although the Texan Senator helped with the federal bill, Texas again did not pass a Red-Flag gun law. In Texas's state legislature, SB728 was passed, which required courts to report involuntary mental health hospitalizations to comply with the federal background check system to purchase firearms. Additionally, HB2454 would have restricted a person from buying a gun for another person who is not legally allowed to have one. HB2453 failed in the Texas state senate in 2023.

Figure 7: History of Florida Gun Legislation
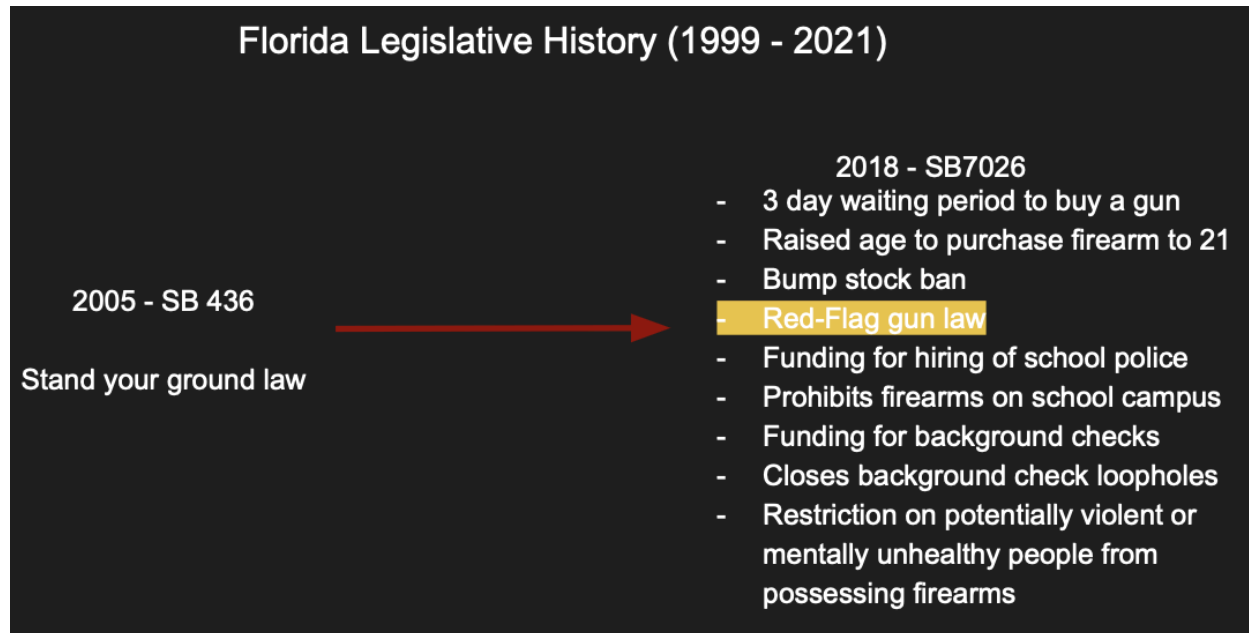
Using Figure 7, Florida has passed 10 pieces of major gun legislation since 2000, nine of them being restrictive gun laws. In 2005, Florida passed SB436, the state's stand-your-ground law. Texas passed a similar but more permissive law in 2007 (Texas SB378). Until 2018, when Florida passed nine restrictive gun laws, the state did not pass any other major gun legislation. Although the state did not respond to shootings with legislation, the state was still a victim of other high-profile shootings. In 2013, seven people were killed in Hialeah, Florida. In 2016, 50 people (including the perpetrator) were killed and another 58 injured at the Pulse Nightclub in Orlando, Florida. The 2016 Orlando nightclub shooting is the second deadliest mass shooting in U.S. history. Most recently, in 2023 Florida passed HB543, which allowed Floridians to carry concealed weapons without a government-issued permit.

Cases of Shootings in Florida and Texas

Figure 8: Comparison of High School Shootings in 2018

	Parkland	Sante Fe
Date (2018)	February 14th	May 18th
Fatalities	17	10
Wounded	17	13
Perpetrators Age	19	17
How the firearm(s) Were obtained	Purchased	Family
Firearm(s) used	AR-15	.38 Caliber Revolver
City Pop. (2018)	31,000	13,000
City Demographic	Suburb Middle Class	Suburb Middle Class
Crime Rate To National Rate	Lower than Average	Lower than Average

Using Figure 8 we can compare the two events. On February 14th, 2018, 17 people were killed and 17 wounded at the Marjory Stoneman Douglas High School in Parkland, a low-crime, suburban, middle-class city with a population of around 31,000 in 2018. The 19-year-old shooter used a legally purchased semi-automatic AR-15-style rifle. It remains the deadliest high school shooting in U.S. history.

On May 18th, 2018, 10 people were killed and 13 wounded at Sante Fe High School in Sante Fe, Texas, also a low-crime, suburban, middle-class city. The 17-year-old shooter used a .38 caliber revolver, shotgun, and several IED explosive devices (found but not detonated). The

shooter used a .38 caliber revolver and shotgun belonging to his father. The shooter purchased the ammunition used in the shooting online by checking a box to verify he was 18 when he was not legally allowed to buy ammunition.

Figure 9: Comparison of Perpetrators

|	Parkland Shooter	Sante Fe Shooter
Year of Birth	1998	2001
School Displinary Record	Fighting, vandalism, brought bullets to school, history of expulsion	Behavioral problems, distrubring journals found by teachers
Criminal Record	N/A	N/A
Parents	Father passed away, lived with adoptive mother	Divorced, primarily lived with father
Indications of Suicidal Ideation prior to the shooting	Yes, statements and posts to social media indicating suicidal ideation	Yes, posted social media posts indicating suicidal ideation
Classmate statements	Reported threats, displaying violent tendencies, and obessesion with firearms	Aggressive behavior, warnings from classmates about potential violence

Figure 9 compares the individual shooters in these events. The Parkland shooter, born in 1998, had a record of behavioral issues, including being expelled from school. The Parkland shooter came from an unstable home and suffered from suicidal ideation before the shooting. His classmate reported threats and violent tendencies, as well as an obsession with firearms. The Sante Fe shooter was born in 2001 and also exhibited disturbing behavioral problems, including disturbing journal entries found by teachers, many with details about the killing. Like the Parkland shooter, the Sante Fe shooter came from an unstable home and had only one family

member (his father) primarily in his life. The Sante Fe shooter also had suicidal ideations before the shooting, and his classmates reported aggressive behavior and gave warnings about potential violence. Both of the shooters had no criminal record.

Figure 10: Map of Sante Fe Texas and Parkland Florida

Figure 11: Outcome of School Shootings in Texas and Florida
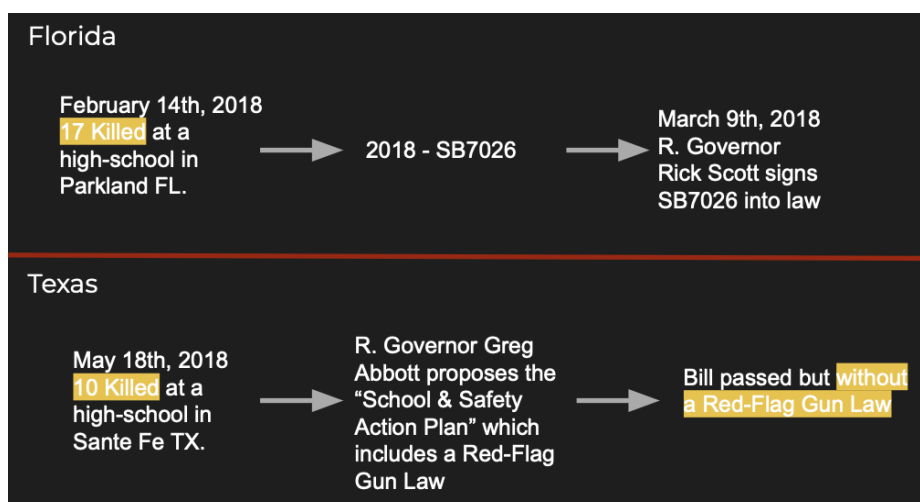
Comparison of Red-Flag Proposals in the United States

Figure 12: States that have Proposed and Passed Red-Flag Gun Laws

#	STATE	PROPOSED		PASSED		POLITICAL LANDSCAPE (passed or recently proposed)		STATE INFO			
		Y/N	YEAR(S)	Y/N	YEAR	GOV PARTY	LEG. MAJORITY	POPULATION	REGION	2020	VC-RATE (FBI, 2019)
5	California	Y	2014	Y	2014	Dem	Dem	>11	SW	D	441.2
6	Colorado	Y	2019	Y	2019	Dem	Dem	1-5	MW	D	381
7	Connecticut	Y	1999	Y	1999	Rep		1-5	NE	D	183.6
8	Delaware	Y	2018	Y	2018	Dem	Dem	<1	NE	D	422.6
9	Florida	Y	2018	Y	2018	Rep	Rep	>11	South	R	378.4
11	Hawaii	Y	2019	Y	2019	Dem	Dem	1-5	OC	D	285.5
13	Illinois	Y	2018	Y	2018	Rep	Dem	>11	MW	D	406.9
14	Indiana	Y	2005	Y	2005	Rep		6-10	MW	R	370.8
20	Maryland	Y	2018	Y	2018	Rep	Dem	6-10	NE	D	454.1
21	Massachusetts	Y	2018	Y	2018	Rep	Dem	6-10	NE	D	327.6
22	Michigan	Y	2023	Y	2024	Dem	Dem	6-10	MW	D	437.4
23	Minnesota	Y	2023	Y	2024	Dem	Dem	1-5	MW	D	236.4
28	Nevada	Y	2019	Y	2019	Dem	Dem	1-5	SW	D	493.8
30	New Jersey	Y	2018	Y	2018	Dem	Dem	6-10	NE	D	206.9
31	New Mexico	Y	2020	Y	2020	Dem	Dem	1-5	SW	D	832.2
32	New York	Y	2019	Y	2019	Dem	Dem	>11	NE	D	358.6
37	Oregon	Y	2017	Y	2017	Dem	Dem	1-5	NW	D	284.4
39	Rhode Island	Y	2018	Y	2018	Dem	Dem	1-5	NE	D	221.1
45	Vermont	Y	2018	Y	2018	Rep	Dem	<1	NE	D	202.2
46	Virginia	Y	2020	Y	2020	Dem	Dem	6-10	E	D	208
47	Washington	Y	2016	Y	2016	Dem	Dem	6-10	NW	D	293.9
51	D.C.	Y	2018	Y	2018	Dem	Dem	<1	E	N/A	1,049

VC-Rate = Violent Crime Rate

State Population is rounded to nearest million

Regions: SW Southwest, MW Midwest, NE Northeast, OC Oceanic, NW Northwest, E East

Dem Democrat, Rep Republican

Gov Party = Governor Party Affiliation

Leg Majority = Majority party affiliation of state legislatures

Figure 12 represents the states that have proposed a Red-Flag law and successfully passed a Red-Flag gun law. Figure 12 highlights how Florida is an anomaly in terms of states that have passed a Red-Flag gun law. Florida is the only southern state, the only state that passed the law while having both a Republican governor and Republican legislative majority, and one of two states that voted for the Republican candidate in the 2020 Presidential election. However,

Indiana being the other state that voted for the Republican candidate in 2020, passed their

Red-Flag gun law in 2005.

Figure 13: States that have Proposed and Failed to Pass Red-Flag Gun Laws

#	STATE	PROPOSED		POLITICAL LANDSCAPE (passed or recently proposed)		STATE INFO			
		Y/N	YEAR(S)	GOV PARTY	LEG. MAJORITY	POPULATION	REGION	2020	VC-RATE (FBI, 2019)
16	Kansas	Y	2019	Dem	Rep	1-5	MW	R	410.8
17	Kentucky	Y	2019, 2022	Dem	Rep	1-5	S	R	217.1
18	Louisiana	Y	2023	Dem	Rep	1-5	S	R	549.3
24	Mississippi	Y	2020	Rep	Rep	1-5	S	R	277.9
29	New Hampshire	Y	2020	Rep	Dem	1-5	NE	D	152.5
33	North Carolina	Y	2018, 2022	Dem	Rep	6-10	E	R	371.8
35	Ohio	Y	2019, 2022	Rep	Rep	>11	MW	R	293.2
38	Pennsylvania	Y	2022, 2023	Dem	Rep	>11	NE	D	306.4
42	Tennessee	Y	2019, 2020, 2023	Rep	Rep	6-10	S	R	595.2
43	Texas	Y	2018	Rep	Rep	>11	South	R	418.9
49	Wisconsin	Y	2022	Dem	Rep	1-5	MW	D	293.2

VC-Rate = Violent Crime Rate

State Population is rounded to nearest million

Regions: SW Southwest, MW Midwest, NE Northeast, OC Oceanic, NW Northwest, E East

Dem Democrat, Rep Republican

Gov Party = Governor Party Affiliation

Leg Majority = Majority party affiliation of state legislatures

Figure 13 represents the states that have proposed a Red-Flag law but have yet to pass a

Red-Flag gun law. Some states have had several years where different proposals for Red-Flag

gun laws have been made.

Figure 14: Survey of Texans' views on Gun Law Strictness
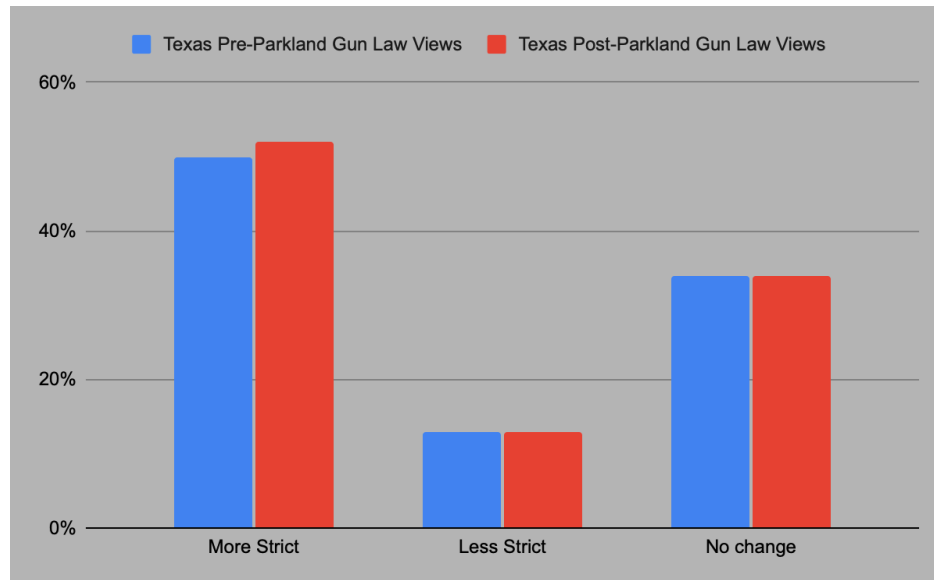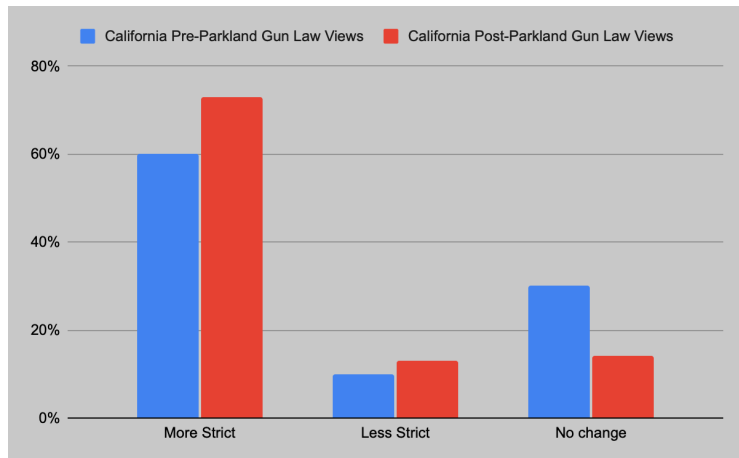

Figure 14 shows that 50% of Texans felt gun laws should be stricter, and 13% felt less strict (University of Texas, January 2018), while after the Sante Fe shooting, 51% of Texans felt gun laws should be stricter (University of Texas, June 2018).

Figure 15: Survey on Californians' views on gun control strictness

To gain an understanding of how a democratic state's opinion shifted use Figure 15, where before the Parkland shooting 60% of Californians supported stricter gun laws (California PPIC.org, May 2017), but after the Parkland shooting, 73% of Californians felt gun laws should be stricter, and 13% feel less strict (California PPIC Survey, March 2018).

Figure 16: Survey of Floridians' Views on Gun Control Laws
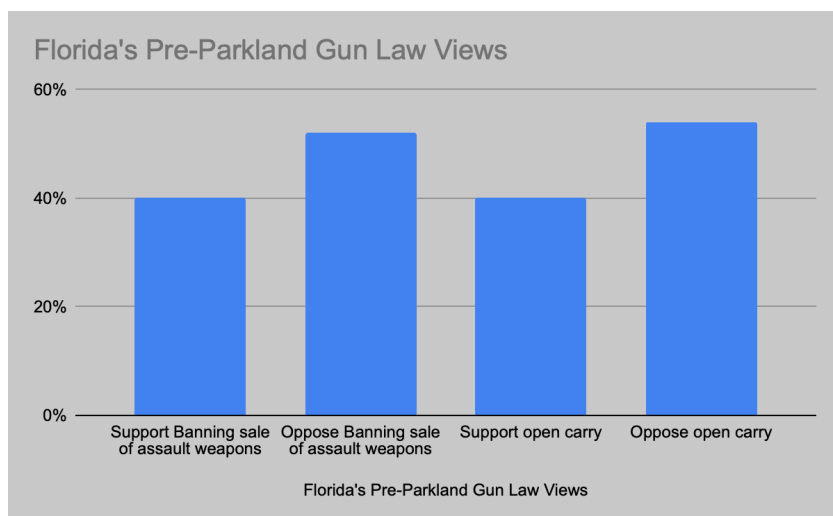
Using Figure 16, we can see 42% in support of banning the sale of assault weapons and large-capacity ammunition magazines, and 52% oppose it. 54% of Floridians opposed allowing

licensed individuals to openly carry handguns, while 40% supported it (University of Florida, October 2017). This study provides insight into how Floridians likely viewed gun control policies in comparison to the national surveys and Texas surveys before the Parkland school shooting.
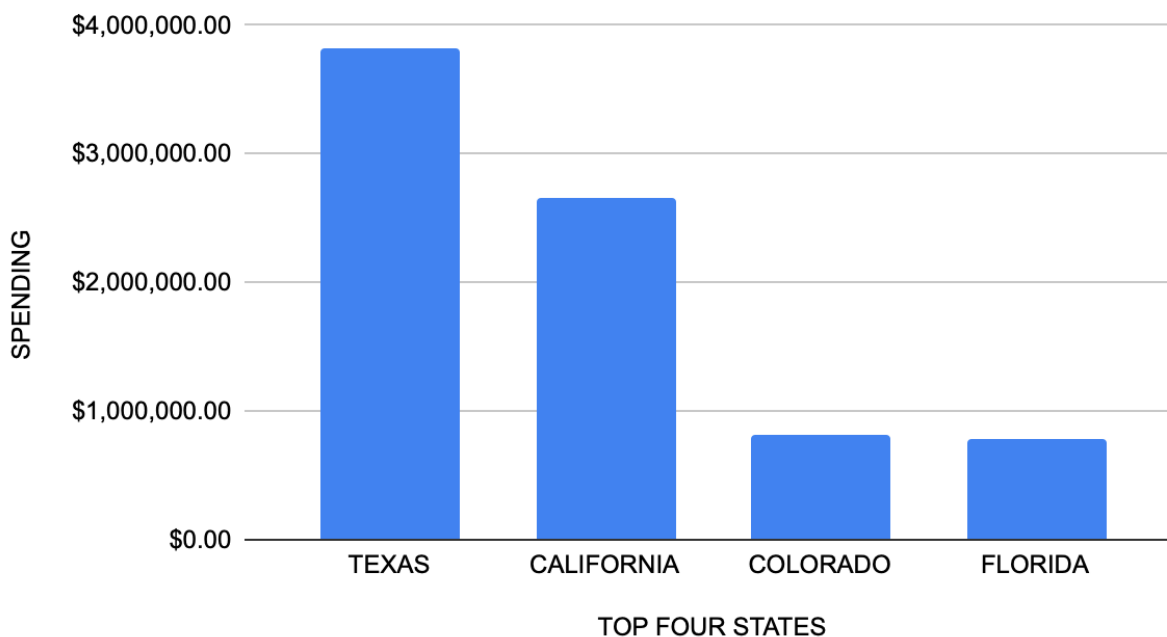
Figure 17: Survey on Floridians' Views on Gun Control Strictness
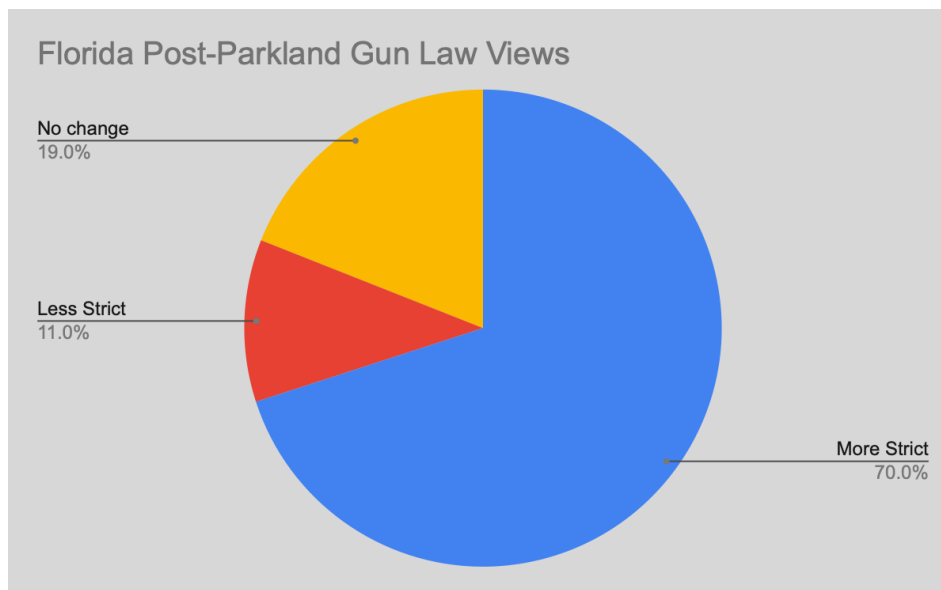
Using Figure 17 we can see in the weeks after Parkland, 70% of Floridians felt gun laws should be stricter, and 11% felt less strict (Florida Atlantic University, February 2018).

Figure 18: NRA Spending per state (top 4 states) from 2015 to 2022

NRA Spending per state from 2015 to 2022

Using Figure 18, according to the organization Follow The Money, the NRA spending per state from 2015 to 2022 included $3,816,355 in Texas, $2,658,776 in California, $815,661 in Colorado, and $780,000 in Florida. Texan lawmakers received an average of over $2 million collectively in campaign contributions throughout their careers, mainly from the NRA. Data on spending for the NSSF is unavailable, but it is likely substantially more than the NRA's. Some data shows that campaign contributions and lobbying money from gun rights organizations increase following a mass shooting. Data shows that following mass shootings, gun purchases increase for 3 - 6 months. Gun rights groups, such as the NRA and National Sports Shooting Foundation (NSSF), typically lobby for laws that promote more guns, such as arming school staff, allowing open carry, allowing guns in religious places, etc., in response to a shooting.

Texas laws passed since the 1990s provide an example of how gun rights organizations lobby

lawmakers in response to shootings to pass permissive gun laws (see Figure 6). Since 1990,

Texas has passed several permissive gun laws and encouraged more gun ownership. Florida has

had a limited amount of legislation relating to firearms.

Figure 19: NRA Ratings | The Washington Post

NRA ratings for members of the Senate
Data from the NRA Political Victory Fund. Years indicate year of rating.
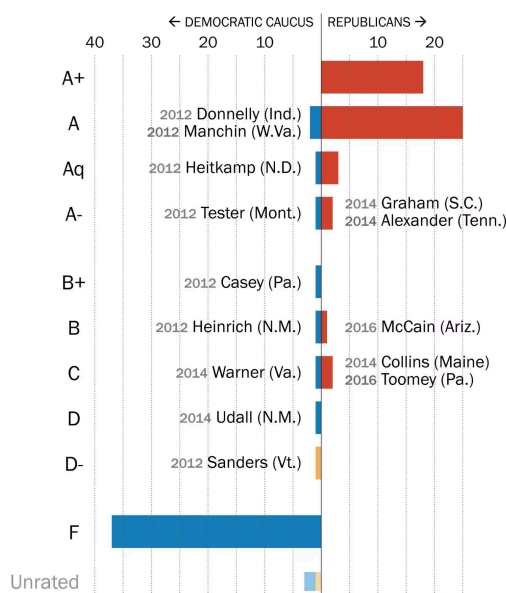
As shown in Figure 19, the National Rifle Association (NRA) publishes an A-F rating of

lawmakers that respectively grades state and federal lawmakers on their voting records regarding

the Second Amendment. For re-election, prospects drastically reduce for any Republican

lawmakers from conservative districts that receive a grade below A+. The NRA also has a 5.5

million self-reported member base (according to the NRA). The membership in pro-gun-control

organizations is less than 10% of the National Rifle Association membership. And supporters of

the NRA and gun rights groups are more likely to be politically active than supporters of gun

control (Schuman & Presser, 1981). The NRA holds some partnerships with gun manufacturers,

such as the American company Smith & Wesson. Previous deals included purchasing a Smith & Wesson firearm and a complimentary NRA membership. Smith & Wesson for a time donated a portion of money from a gun purchase to the NRA. According to a 2021 survey, Texas had the highest number of registered weapons in the United States in 2021, with 1,006,555, and Florida was second with 518,725. Even assuming that a small percentage of those firearms were Smith & Wesson, it's likely more people in Texas are members of the NRA. In part because more people likely own Smith & Wesson firearms, and more people in general own firearms and would be interested in being a part of the NRA.

Discussion and Findings

What caused Florida and Texas to have differing results from their Red-Flag gun law proposals? Public opinion before and after the shootings, political lobbying power, and the pressure of a social movement contributed to the different outcomes in Florida and Texas. Public opinion, political power, and the social movement that occurred in Florida contributed in unison to create an atmosphere where existing policy proposals had an opportunity to be proposed and passed in a politically conservative state.

Public Opinion

One reason the states differed is that they have differing gun cultures and public opinions regarding firearm regulations. Public opinion in the U.S. on gun control can provide an understanding of how Americans and American voters favorably or unfavorably view gun control policies. The survey data in Figures 16 and 17 show us that the number of people in Florida who support stricter gun laws after Parkland was a significantly larger number and

percent change from before in comparison to Texas and even California (as seen in Figures 14 and 15). California had a 13% change, Texas a 1% change, and Florida somewhere between 20-30% change. Part of the reason for this could be that Florida's gun culture prioritizes self-defense and safety and is less focused on state independence, as compared to Texas. Texas's gun culture grew from its focus on states' rights and independence from the federal government, both of which led to its nickname as "the Lone Star State." Another interesting point from the survey data was how Florida's public opinion so drastically changed. Although the state is home to many east-coast retirees and a growing hub for younger generations, Florida had a lower percentage of their population in favor of stricter gun laws than Texas prior to the state's shootings.

Considering Figures 14, 15, 16, and 17, it's also important to understand whether the national opinions on gun control legislation were similar or different. In an October 2022 Gallup study, 57% (down 9% from June 2022) of Americans feel the laws covering the sale of firearms should be made more strict. Additionally, 40% of Americans are very dissatisfied with gun laws in the U.S. In terms of specific policies, 81% of Americans are in favor of allowing courts to order the confiscation of guns from people who have been determined to be a danger to themselves or others. Moreover, 86% are in favor of prohibiting people who have been determined to be a danger to themselves or others from purchasing guns. Aside from background checks (93% in favor), risk-based firearm prohibition laws were the second most favored gun policies. According to Gallop, in March 2018, 67% of Americans supported stricter gun laws (the highest since 1993), an increase from 60% in October 2017. The Marjory Stoneman Douglas school shooting in Florida occurred in February of 2018.

Legislative Tendencies

The history of Texas in passing permissive gun legislation following a shooting and

Florida's history of not passing any legislation following a shooting could have made it easier for

gun control activists to utilize the political opportunity created by the Parkland school shooting.

Furthermore, the widespread support for stricter gun laws in Florida following the Parkland

shooting, in comparison to Texas, could have allowed gun control activists to persuade people

with moderate or conservative views on gun control to support stricter gun laws. The 1% change

in support for stricter gun laws in Texas supports an argument that the gun culture in Texas is

more complex and less easily manipulated than Florida's. Part of this could be because Florida is

known as a retirement state, and many east-coast state residents retire in Florida. With the influx

of people from less southern states, an increase in people who would support stricter gun laws

such as those that New York has. For instance, a person from New York retiring in Florida may

view their state's violent crime rate (which was under 400 in 2019, according to the Universal

Crime Reporting database created by the Federal Bureau of Investigation), as an indication that

stricter gun laws reduce violent crime. And then, when an event like the Parkland school

shooting occurs and there are calls from activists for stricter gun laws, a larger portion of Florida

is open or familiar with the idea of stricter gun laws than the population of Texas. So, while

Florida's public opinion on gun law strictness prior to the Parkland shooting was lower than in

Texas, the residents of Florida may have been more open to changing their opinion based on the

Parkland shooting.

Additionally, Texas's history of passing permissive gun laws after a shooting would, in

theory, make it harder to do the opposite after a shooting. If a state has a history of passing

permissive gun laws, it would be more likely for the state to not pass a gun law than pass a restrictive gun law, which is what happened in 2018 and 2019 in Texas. Similarly, in a state like California that has a history of passing restrictive gun laws, it would be more likely for California not to pass a gun law rather than pass a permissive gun law even if there is political opportunity. But a state like Florida, which has a history of passing no gun laws after a shooting, could in theory, more easily pass either a permissive gun law or a restrictive gun law because there is no established norm for a law.

Figure 20: Legislative Deviation
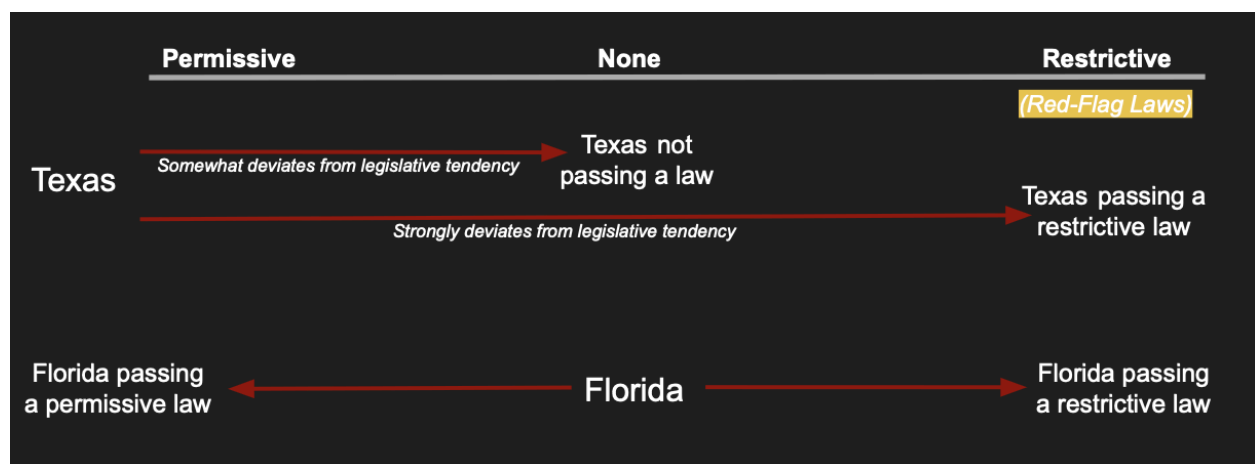
Texas has a history of passing permissive gun laws thus, it's more likely for the state not to pass a law than to pass a restrictive law. Florida, however, has a history of not passing gun laws. So it would be easier for Florida to pass either permissive or restrictive gun laws after an event that brings about political opportunity as seen in Figure 20.

The Parkland Student Movement

The student-led social movement that emerged after the Parkland shooting was critical in making a case for why Florida should have more restrictive gun laws. Students who were victims of the shooting organized nationwide walkouts, rallies, and media campaigns to amplify their message. The media campaigns and rallies garnered support from celebrities and social media users. The message quickly spread through social media and other media outlets that survivor victims of the Parkland school shooting were desperate for stricter gun laws and were calling to action lawmakers and people to rally behind their mission. The student-led movement received support from many people, including parents, educators, politicians, and local law enforcement. The Broward County sheriff was vocal about his support for the student movement. Republican politicians like Florida Governor Rick Scott and Senator Marco Rubio were compelled to reconsider their positions on guns because of the student-led movement.

The student movement wasn't afraid of its opposition either. Confronting their opposition benefited the movement's popularity and success. At a town hall meeting, students debated the NRA spokesperson Dana Loesch on the NRA's stance on various gun policies. The student's ability to articulate clear arguments backed by the emotional significance of being victims undermined the NRA's credibility and weakened the influence the organization had on lawmakers in Florida. Several surveys indicate support and membership in the NRA dipped after these student debates. The dip in NRA support likely also empowered politicians who felt the A-F rating system now held less power over their 2018, or 2020 re-election chances.

Organizations such as March For Our Lives, founded by Parkland survivors, gave students a platform to coordinate and articulate their mission. Students like Emma González and David Hogg were key leadership figures for the movement. In a televised speech at a rally in Washington, D.C., Emma González spoke for two minutes describing the emotional toll and names of classmates who were killed. She then paused and said nothing for four minutes and 26 seconds. After a timer goes off, she says, "Since the time that I came out here, it has been six minutes and 20 seconds. The shooter has ceased shooting and will soon abandon his rifle, blend in with the students as they escape, and walk free for an hour before arrest. Fight for your lives before it's someone else's job." In a viral interview with ABC News, David Hogg said, "No child should live in fear in their communities or classrooms." Emma and David's speeches and interview comments brought about emotional guilt and a feeling of responsibility for what happened. The mission was to make America feel as though it was responsible for the lack of systems in place to protect children on February 14th, 2018. And it worked. Following Parkland, an unprecedented number of states passed restrictive gun laws, including Red-Flag gun laws.

On another note, the social movement had vocal support from celebrities, politicians, and even the President of the United States. On February 21st, 2018, Republican President Donald J. Trump invited students and parents of Marjory Stoneman Douglas High School to speak with him. In a press release later, former President Trump is quoted saying, "We must make sure that those judged to pose a grave risk to public safety do not have access to firearms and that if they do, those firearms can be taken through rapid due process" (White House Press Report, 2018). Furthermore, Mike Pence, the Vice President at the time and former governor of Indiana, praised the state of Indiana's Red-Flag law and called it a model for other states. The former Vice

President has since recanted his support for Red-Flag laws, while former President Donald Trump has not explicitly recanted his support for Red-Flag laws.

The calls for Red-Flag gun laws in Florida and other states came from the sentiment that the shooting in Parkland could have been prevented. Ultimately, it is impossible to know whether a Red-Flag gun law would have prevented the school shooting. However, several Florida politicians and law enforcement officials claimed the shooter would've qualified for a Red-Flag order, which would have made it impossible to buy weapons or ammunition for the shooting legally. Students who were victims of the shooting were highly vocal about how a Red-Flag law could have prevented the shooting from happening because the perpetrator displayed so many concerning behaviors before the shooting.

Indications of Violence Prior to the Shootings

As referenced in Figure 9, both perpetrators in the Parkland and Sante Fe shootings displayed threats of violence and suicidal ideation prior to the shootings. The perpetrator of the Parkland School shooting had a history of behavioral issues and an obsession with violence. The perpetrator was transferred between six schools within three years for behavioral issues before ultimately being expelled in 2017 for disciplinary reasons. Classmates reported that the perpetrator had anger issues, made jokes about gun violence, and had threatened to "shoot up" various places. According to public records, from 2008 to 2017, 45 calls for police service were made to the perpetrator's household, including calls in 2016 and 2017 that the perpetrator had threatened to "shoot up" a school. In 2016, a school official notified law enforcement and the Florida Department of Children and Families of a Snapchat post that involved him cutting his

arms and claiming he was going to buy a gun. In 2017, a YouTube account associated with the perpetrator made a comment that said, "I'm going to be a professional school shooter." In January 2018, the FBI Public Access Line received a tip that reported the Parkland perpetrator's desire to harm people and the potential of him "shooting up a school." The perpetrator also posted several pictures and videos of him with weapons and making threats leading up to the shooting. Some of his comments online included anti-black and anti-muslim slurs and swastikas. In February 2017, the perpetrator of the Parkland shooting legally purchased the AR-15-style semi-automatic rifle used in the shooting. The perpetrator made several other legal firearm purchases leading up to the shooting.

Like the perpetrator of the Parkland School shooting, the perpetrator of the Sante Fe shooting also displayed warning signs of violence before the shooting. The perpetrator of the Sante Fe shooting posted a photo on Facebook with a shirt that said "born to kill" and had a Facebook page that contained photos of a coat he owned that had extremist pins attached to it and a caption of "Iron Cross=Bravery," which is in reference to the iron cross of Nazi Germany. The journal of the perpetrator also indicated that the perpetrator had made known his intentions of suicide and a school shooting. The journal also supported the claim that the perpetrator had planned the shooting in advance. The perpetrator of the Sante Fe shooting took the shotgun and .38 caliber revolver used in the shooting from his household. However, the ammunition used was purchased online by the perpetrator. The perpetrator checked a box to indicate he was 18 (when he was only 17) in order to buy the ammunition online. This is the only form of age verification present for purchasing ammunition online in Texas.

As more information came out regarding the perpetrator of the Sante Fe shooting, and the perpetrator of the Parkland shooting, gun control activists and law enforcement made claims that a Red-Flag law could've prevented violence. The investigations and court proceedings that followed both shooting incidents further allowed the public to understand how even though both perpetrators showed signs of violence, there was no law in place that would have removed their legal access to firearms.

The Difference in Responses to the Shootings

Unlike Florida, where the Parkland shooting created a sustained and visible movement, the response in Texas following the Sante Fe shooting was less cohesive, with fewer resources and institutional support for change. In the aftermath of the Parkland shooting, a unique opportunity was presented for gun control activists to make a convincing case for stricter gun laws. Considering the factors that led to the shooting and warnings of potential violence the shooter displayed, the argument for a risk-based gun removal law was applicable. The weeks following Parkland showed that a majority of Florida residents were open to considering and supporting a risk-based gun removal law. The state has a relatively diverse political landscape of liberal and conservative voters. Both liberals and conservatives in Florida tend to be more moderate, which allowed for a more receptive environment to gun control measures, in comparison to Texas, which traditionally held strictly conservative views on guns. Because the Parkland Movement was so cohesive the message the group was able to push was more direct to Florida voters who had views on gun control that could be changed. Parkland gained resources from many institutional figures including Republican politicians. The institutional support for

change was present in Parkland and instrumental in bringing existing legislative proposals to the state government.

The student-led social movement's resources and strong organization were put to the test several times during its peak in national attention. On March 14th, 2018, thousands of High Schools across the U.S. walked out of class to protest the country's gun laws, and on March 24th, 2018, roughly 800,000 people from all across the country marched in Washington D.C., demanding stricter gun laws. In order to coordinate that many people and have a clear set of policy demands (stricter gun laws), the movement was required to have immense resources, detailed planning, and clear leadership.
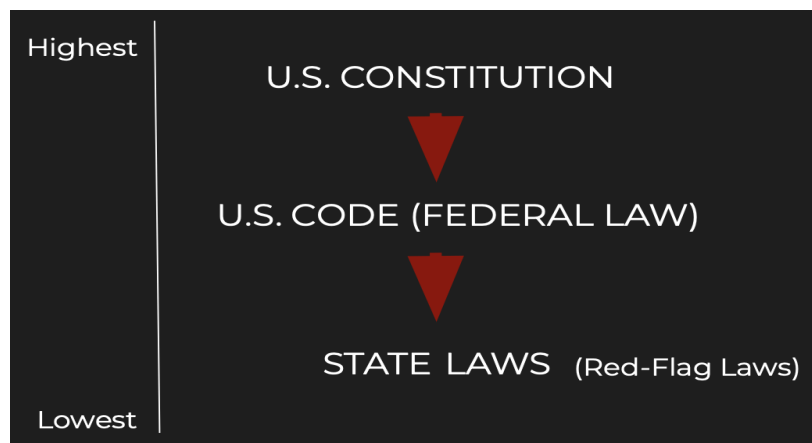
Legal Arguments Against Red-Flag Gun Laws

It is important to acknowledge the legal argument against Red-Flag laws to understand how a Red-Flag law proposal in Texas failed. The argument against a Red-Flag law in Texas did not focus largely on the argument that Red-Flag laws aren't effective in preventing gun violence because there is much research supporting the claim that risk-based gun laws are effective in preventing specific violence from occurring. Rather, the argument in Texas against Red-Flag gun laws was that laws like Red-Flag gun laws violate the U.S. Constitution.

It's important to understand how the hierarchy of criminal law works in the United States to understand this argument. The U.S. Constitution is the highest form of law, with the U.S. Code (Federal laws) being the second, and then state laws (which is where Red-Flag laws are) being

the lowest. Below that are municipal and county ordinances, but those aren't relevant to this
argument.

Figure 21: Criminal Law Hierarchy

Before 2022, the argument that red-flag laws violated the U.S. Constitution was more
legal speculation, but now some case law supports the claim. Much of the argument recently in
Texas against Red-Flag gun laws stems from a U.S. Supreme Court case. In 2022, in a 6-3
decision in the *NYSRPA v. Bruen* case, the Supreme Court ruled that a New York law was
unconstitutional and that the ability to carry a pistol in public is a constitutional right guaranteed
by the Second Amendment.

The Bruen decision allowed Zackey Rahimi from Arlington, Texas (the subject of a civil
protective order for allegedly assaulting his ex-girlfriend, and the order explicitly prohibited him
from possessing firearms) to argue that risk-based gun laws are unconstitutional. Between
December 2020 and January 2021, Rahimi was the suspect in a series of hit-and-run crimes.
Police searched his home, found firearms, and arrested him for violating federal law 18 U.S.C.
§922 (g)(8). The law states that it is illegal to possess a firearm while being the subject of a

domestic violence protection order. It's important to note that domestic violence protection

orders can be issued due to physical force or the threatened use of physical force. Rahimi

pleaded guilty but challenged the constitutionality of the law, and in light of the Supreme Court's

Bruen decision, the U.S. Court of Appeals for the Fifth Circuit agreed that 18 U.S.C. §922 (g)(8)

violated the Second Amendment. Sometime in 2024, the Supreme Court is expected to decide

whether they will concur with the Fifth Circuit or strike down the decision. Early indications

suggest the court is wary of striking down the gun restriction that has been prolific in preventing

domestic violence. Governor of California Gavin Newsom, is one of the most vocal politicians

advocating for the legality of risk-based gun removal laws. In a state press release, Newsom

stated, "Domestic abusers shouldn't have guns, and America's gun safety laws are supported by

the Constitution and longstanding historical tradition" (California Governor, 2023)."

The argument in Texas is that Red-Flag gun laws are similar to this law and thus

unconstitutional. While the U.S. vs. Rahimi case and the Bruen decision happened following the

Parkland and Sante Fe shootings, this argument was used more recently in Texas after the Uvalde

Elementary school shooting, when there were again calls for a Red-Flag gun law. The Uvalde

Elementary school shooting occurred on May 24th, 2022 and 19 students and 2 teachers were

killed. The shooting sparked calls for a Red-Flag law in Texas from gun control activists and

parents of students killed in the shooting.

Similiar to the perpetrators of the Parkland and Sante Fe shootings, the perpetrator of the

Uvalde shooting exhibited extremely concerning behavior prior to the shooting. Numerous

incidents of direct threats to a school, threats to harm specific individuals, and videos of animal

cruelty suggested the perpetrator had a behavioral conduct disorder prior to the shooting. Prior to the shooting, he sent a message to a 15-year-old girl from Germany stating that he was going to "shoot up" an elementary school. The perpetrator was withdrawn from his high school due to frequent absences and had posted several violent threats online. He would also often livestream or post videos of him abusing and killing cats, threatening to kill and rape young girls, and talking about committing a school shooting. 10 days prior to the Uvalde shooting the perpetrator sent a message on Instagram suggesting that he was going to commit a school shooting in the near future. 3 days after the message he legally purchased a Smith & Wesson Semi-Automatic Rifle and 1,567 rounds of ammunition. The rifle included a "hellfire" trigger device, which decreased the trigger reset time, and increased the rate of fire for the rifle. 3 days later he purchased another AR-15-style firearm. The perpetrator used his legally purchased Smith & Wesson Semi-Automatic Rifle (which is an AR-15 style rifle) and seven 30-round magazines during the Uvalde Elementary school shooting.

The Bruen decision and the U.S. v Rahimi case were instrumental in the argument against a Red-Flag law in Texas following the Uvalde elementary school shooting and the claim that a Red-Flag law could have prevented the shooting. In 2023, the proposal for a Red-Flag law in Texas failed again, while in contrast Florida's Red-Flag law remained in effect.

The Arguments for Red-Flag Gun Laws

The Bruen decision and the U.S. v Rahimi case haven't provided Floridians enough reason to stop supporting their Red-Flag law. From 2018 to 2024, Florida courts issued 12,000 orders, which is on par with California, and counties throughout Florida issued orders generally

proportional to their population. There have been no meaningful attempts to repeal the Red-Flag law. Furthermore, public opinion has remained positive towards Florida's Red-Flag law, and the Parkland student movement is still active in influencing state policymakers. Public opinion has likely remained positive because of the increasing amount of research on the effectiveness of Red-Flag orders in preventing mass shootings, suicides, and other forms of violence. If research suggested Red-Flag laws were ineffective, likely public opinion for the law would decrease. Because research is largely finding that Red-Flag orders can prevent gun violence, public opinion has remained steady.

For reference, Floridians are being exposed to research on gun violence that highlights the effectiveness of their own state's law. A 2022 study of Red-Flag orders in Florida, California, Colorado, Connecticut, Mayland, and Washington state found that 10% of orders filed involved threats against 3 or more people, indicating threats of a mass shooting. The study also found that 15% of those threats were made against families, and 20% of those threats were made against K-12 schools. Even if one of these orders had prevented a shooting similar to Parkland, Florida residents mostly see the law as a success.

According to a 2023 University of California Davis study, California's state Red-Flag gun law (Gun Violence Restraining Order) stopped 58 potential mass shootings in its first two years (2016-2018). In reference to whether having a Red-Flag law implemented could've prevented past shootings, a 2023 study, found that in 32% of mass shootings, the perpetrator exhibited indications of potential violence prior to the shooting. The 2018 school shooting that

occurred in Parkland, Florida, is one of those mass shootings where the perpetrator exhibited indications of potential violence.

Floridians are also being exposed to research on how Red-Flag orders prevent suicides. According to a 2017 study, 1 in 10 gun removals from Connecticut Red-Flag law prevented a suicide. A 2018 study found that Indiana had a 7.5 percent decrease in the state's firearm suicide rate after one decade of enforcement of the state's Red-Flag law. In contrast during this same time, the nationwide suicide rate increased by 35.2%. A 2020 study published by the National Institute of Health found that the passage of a Red-Flag gun law was associated with a 2.5% decrease in older adult suicides. Gun removal laws are largely viewed as effective in not only preventing firearm-related suicides, but suicide as a whole. Red-Flag orders can be instrumental in removing a person's means of harm. Research shows that when a means for a person to harm themself is removed, they will not seek another means. This means that gun removal in the context of suicide, could go further than just preventing suicide with a firearm.

Florida also has not largely been a place of debate for Red-Flag laws legality or constitutionality. Many politicians cite indications that the Supreme Court will uphold United States Code **§** 922 (g)(8). Furthermore, law enforcement in Florida, particularly Sheriffs in counties that serve large metropolitan areas, are supportive of the law. Bob Gualtieri, who was the Sheriff of Pinellas County in 2018, said that while it's impossible to say a Red-Flag law would have prevented the Marjory Stoneman Douglas High School shooting, the shooter would've qualified for a Red-Flag order, which would have made it impossible to buy weapons or ammunition for the shooting legally. While there is some disproportionality with regard to the

number of orders in Florida counties, the number of orders in each county correlates with the population of each county. In an Associate Press questionnaire, Sheriffs of counties who had filed few Red-Flag orders said they are not philosophically against Red-Flag orders, there just hasn't been a need for their agency to seek as many orders.

To a great extent, politicians in Florida are in agreement that their Red-Flag law does not violate the Second Amendment of the U.S. Constitution. Even politicians who are not necessarily in favor of the state's Red-Flag law, such as current Republican governor Ron Desantis, cite questions on the effectiveness of the law and not the legality. In terms of the law's legality, Florida has not had any judicial ruling that specifically their state's law is unconstitutional. While laws like the United States Code **§** 922 (g)(8) and New York State's Red-Flag law have current pending cases before the Supreme Court, indications from the Supreme Court suggest risk-based removal laws will be viewed as constitutional and necessary for ensuring public safety by the Supreme Court.

The view that risk-based removal laws do not violate the Constitution comes from the U.S. having a plethora of risk-based laws, and other judicial orders that temporarily or permanently remove a person's Second Amendment rights based on the threat of violence. For example, 18 U.S.C. **§** 922 (g)(1), restricts a person convicted of a felony from possessing a firearm. Red-Flag laws operate as restraining orders, restricting a person's access to firearms the same way a restraining order would restrict the subject of a protection order from being near certain people or places. There is no prominent judicial argument for a domestic violence restraining order law to be viewed as unconstitutional, and Red-Flag laws operate on the same

principles of risk-based removal. Floridians likely view Red-Flag laws the same as they do domestic violence protection orders. At times to protect public safety, people's lives, their liberty, and their pursuit of happiness, you have to restrict and control firearms when serious risks or threats are present.

The Political Factors that Led to the Different Outcomes

Several important findings were made in exploring what political factors led to the successful passage of a Red-Flag gun law in Florida and the failed proposal of a Red-Flag gun law in Texas. In Florida, public opinion allowed for a more receptive response from Florida residents to restrictive gun policy proposals. Also, the gun rights lobbying power dwindled in Florida following the Marjory Stoneman Douglas High School shooting, and the student-led stance against the NRA empowered politicians to feel that the A-F rating system now held less power over the re-election chances. Florida politicians were able to make legislative changes based on what their community wanted, not what was going to get them re-elected. Furthermore, the student-led social movement created national pressure on Florida politicians to act following the shooting. Institutions in Florida were ready and receptive to restrictive gun legislation but were waiting for a movement to create an opportunity for the proposals to be passed.

Several theories from this study's literature review are present in the findings above. The theory of policy agenda is present in how Florida gun control groups and politicians were waiting for an open political opportunity structure and a movement that could bring about a chance to pass their policies. Kingdon's theory of policy stream, how policy is made and proposed before legislative groups is also present in how Florida SB7026 went from a proposal

to a signed bill. The outcome of a successfully passed bill containing a Red-Flag law in Florida differs from Texas for several reasons. Public opinion, lobbying power, and the social movement that occurred in Florida all came together at the right time to create an opportunity for restrictive gun legislation to succeed in Florida's conservative state legislature.

Larger Implications

Americans tend to think of gun laws in a binary way, as either permissive or restrictive. By studying the differing results of the Red-Flag gun law proposals in Florida and Texas we have more evidence that gun laws are not necessarily binary policies. Florida's Red-Flag law is an anomaly, and the state's political landscape differs completely from that of other states with Red-Flag laws. Furthermore, Florida has shown us that gun laws are more complicated than just a liberal versus conservative ideological lens. The issue of gun laws can sometimes get muddled when one side makes assumptions about the other's priorities. One side may assume that the other doesn't care about gun deaths and favors their own right to firearms. One side may assume the other wants to take away their right to own firearms for reasons bigger than stopping gun violence. Each side may assume a lack of education or understanding by the other side regarding gun violence, too.

The solution to gun violence in America, however, does not solely fall completely into either permissive or restrictive gun policies. We know that because while Florida passed restrictive gun laws, they continue to have gun violence. And while Texas passed permissive gun laws, they continue to have widespread gun violence as well.

Conclusion

The importance of the questions created after the Florida and Texas laws were proposed can help us as public policy researchers learn more about policymaking, how to successfully stop or pass policy proposals, and the changing political landscape regarding gun laws. The main focus of this study was to understand the successes and failures associated with policymaking. But the point of a policy, especially gun policy, is to see an outcome like reducing gun violence in your community. Is there a policy or set of policies that could end gun violence? Probably not. Are there policies or sets of policies that could decrease gun violence? Maybe. The only thing certain for America right now is that gun violence will continue to take thousands of lives year after year.

According to the *Washington Post*'s school shooting database, as of today, April 12th, 2024, there have been 404 school shootings since Columbine. The last school shooting was 18 days ago. Regardless of your political party affiliation or opinion on restrictive or permissive gun laws, this is unacceptable. We need a safer future. Especially, a safer future for our children.

<div align="center">Works Cited</div>

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