



AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 4872

AMENDMENT NO 3687

T By Coburn e

co To: H.R. 4872 J.

Ref _____ ind

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Page(s)

GPO: 2008 46-608 (misc)

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . CONDITIONS FOR TREATMENT OF CERTAIN**
- 3 **PERSONS AS ADJUDICATED MENTALLY IN-**
- 4 **COMPETENT FOR CERTAIN PURPOSES.**
- 5 (a) IN GENERAL.—Chapter 55 of title 38, United
- 6 States Code, is amended by adding at the end the fol-
- 7 lowing new section:

1 **“§ 5511. Conditions for treatment of certain persons**
2 **as adjudicated mentally incompetent for**
3 **certain purposes**

4 “In any case arising out of the administration by the
5 Secretary of laws and benefits under this title, a person
6 who is mentally incapacitated, deemed mentally incom-
7 petent, or experiencing an extended loss of consciousness
8 shall not be considered adjudicated as a mental defective
9 under subsection (d)(4) or (g)(4) of section 922 of title
10 18 without the order or finding of a judge, magistrate,
11 or other judicial authority of competent jurisdiction that
12 such person is a danger to himself or herself or others.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 55 of such title is amended
15 by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally in-
competent for certain purposes.”.