

Amendment 3687 – Protects the Second Amendment rights of veterans.

This bill protects veterans from being denied their Second Amendment rights without due process. Specifically, veterans who are considered mentally incompetent for purposes of assigning benefit payments, may not be considered “adjudicated as a mental defective” unless they have been found by a judicial authority to be a danger to themselves or to others. Currently, these veterans are immediately considered “adjudicated as a mental defective” and lose their rights to possess and purchase firearms even though they are no danger to themselves or others. According to CRS, Over 140,000 veterans have been added to a national database of those prohibited from owning or purchasing a firearm. This bill is endorsed by the American Legion, the Veterans of Foreign Wars of the United States, AMVETS, the Military Order of the Purple Heart, Gun Owners of America, the NRA, and the National Alliance on Mental Illness.

Veterans who come to the VA right now for help, but who cannot manage their own financial affairs, are assigned a fiduciary to help manage their financial affairs. On that basis alone, their names can be put in an FBI database as “mentally defective,” and they are denied their Second Amendment rights. This bill would stop this arbitrary practice. It would protect the rights of veterans by ensuring that they are not considered “adjudicated as a mental defective” unless they have been found by a judicial authority to be a danger to themselves or to others.

This bill addresses a mental health issue by protecting the second amendment rights of those who are seeking help for mental health concerns or seeking benefits. Because of this, the National Alliance on Mental Illness supports this bill. According to them, “This will ensure that veterans are not discriminated against in terms of equitable standards and due process before they are placed on the NICS list.”

Currently, these veterans are immediately considered “adjudicated as a mental defective” and lose their rights to possess and purchase firearms. According to CRS, Over 140,000 veterans have been added to the NICS lists as prohibited from owning or purchasing a firearm. At one point, veterans made up half of all those on the NICS list because of mental health concerns. This legislation would ensure that the names added to the NICS list will meet the actual intent of the Brady Handgun Violence Protection Act.

This bill has been marked up twice by the Veterans Committee and was passed by UC last year. A UC request was blocked by some democrats.

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