

115TH CONGRESS
1ST SESSION

H. R. 1181

To amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. ROE of Tennessee (for himself, Mr. CONAWAY, and Mr. WENSTRUP) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans 2nd Amend-
5 ment Protection Act”.

1 **SEC. 2. CONDITIONS FOR TREATMENT OF CERTAIN PER-**
2 **SONS AS ADJUDICATED MENTALLY INCOM-**
3 **PETENT FOR CERTAIN PURPOSES.**

4 (a) IN GENERAL.—Chapter 55 of title 38, United
5 States Code, is amended by inserting after section 5501A
6 the following new section:

7 **“§ 5501B. Conditions for treatment of certain persons**
8 **as adjudicated mentally incompetent for**
9 **certain purposes**

10 “Notwithstanding any determination made by the
11 Secretary under section 5501A of this title, in any case
12 arising out of the administration by the Secretary of laws
13 and benefits under this title, a person who is mentally in-
14 capacitated, deemed mentally incompetent, or experi-
15 encing an extended loss of consciousness shall not be con-
16 sidered adjudicated as a mental defective under subsection
17 (d)(4) or (g)(4) of section 922 of title 18 without the order
18 or finding of a judge, magistrate, or other judicial author-
19 ity of competent jurisdiction that such person is a danger
20 to himself or herself or others.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 55 of such title is amended
23 by inserting after the item relating to section 5501A the
24 following new item:

“5501B. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

