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Testimony on S. 141  
Vermont House Judiciary Committee

Thank you very much for allowing me to testify on the firearm legislation before the committee. I testified as a psychiatrist who has been practicing adult and child psychiatry in Vermont for 10 years. I did not testify in my positions as a University of Vermont faculty member in the psychiatry department, or as a medical director who manages mental health and substance abuse benefits for members of Blue Cross Blue Shield of Vermont.

I am writing this brief summary of my testimony in order to focus on the issue that appears to be most controversial regarding the bill: the Gun Rights Restoration component, otherwise known as a Relief from Disability provision. As I mentioned during my testimony, I feel that it is critical that the U.S. Constitutional 2<sup>nd</sup> Amendment rights of Vermonters be protected. If the judiciary system (with input from physicians) feels that it is important to commit someone to treatment for his or her own safety, and/or for the safety of the community, then there needs to be a mechanism to restore those constitutional rights when the individual is in much better mental health.

As I stated during my testimony, the original gun restoration provision in the bill called for a waiting period of 5 years, and a supportive evaluation by a psychiatrist, in order for the judge to consider restoring an individual's second amendment rights. I disagreed with both the length of time, feeling that it is way too long, and with the requirement of having a psychiatric evaluation to support the petition for restoration. It is very difficult, and costly, to have an evaluation for this purpose. Health insurance does not cover such an evaluation. The larger issue, in my opinion, is issue of access to a psychiatrist. I was very pleased that the psychiatric evaluation requirement was removed from the bill, facilitating the restoration of gun rights when sufficient time has passed and the individual has much better mental health.

The main issue it seems is what is a sufficient amount of time before the court may consider restoration of gun rights? As I stated earlier, the initial 5-year waiting period was too long, and so I was very pleased that it was reduced. Personally, I feel that 2 years would be better than 18 months (and 2 years is consistent with similar laws in other states, such as Virginia). In 2 years, the scientific literature supports that most individuals who are likely to have a recurrence of their mental illness will do so during that period of time. The 18-month requirement currently in the S. 141 is the absolute minimum, in my opinion, for this waiting time requirement. This will allow sufficient time to be certain that the patient is truly stable in his/her mental health, and compliant with treatment. Even if a patient is compliant with treatment, he/she may relapse or have a recurrence. For example, the practice parameters by the American Psychiatric Association recommend that antidepressant medications

be continued for 1 year after the patient has had a treatment response, because the risk of relapse or recurrence is very high during this time period.

I feel that I cannot sufficiently express the types of patients who are committed by a court, versus people who are 'simply' depressed, moody, suicidal, delusional, substance user etc. A recent study found that the single worst prognostic indicator for schizophrenia was being committed by a court (very different from a 72 hour hold, which would not affect gun rights). Why? Because, as I mentioned, an individual is not committed for extended treatment in a hospital and/or an 'order of non-hospitalization' simply due to being psychotic or having made suicidal or homicidal statements. The commitment by the judge is due to these serious safety concerns AND the individuals poor insight, poor judgment, and, typically, high levels of impulsivity. An 18-month waiting period is the minimum time that would allow for the assessment that all of these factors have consistently improved in the patient.

I want to close this written summary with my answer to the question from a representative during my testimony [paraphrasing], "why do I feel that it is the duty of the state to take away constitutional rights from an individual?" I feel as a physician, and as a citizen with 2 young daughters, that we owe it to the patients, families, friends, neighbors, and the general public to do so. The patients with serious safety concerns, poor insight, judgment and typically high levels of impulsivity, are at extremely high risk. Their family members stay up at night worrying about their wellbeing. Their neighbors wonder if they will make good on their threats of killing them. Can you imagine the added stress on family, friends and neighbors, if the waiting period was shortened, or eliminated, and these patients could easily access firearms soon after they have completed treatment? Especially, considering the scientific evidence that these patients often have the worst prognosis, and their friends and family know that they usually become non-compliant, and are re-hospitalized. These patients, when unstable, may produce a firearm and be more likely to be shot by law enforcement, in addition to the suicidal and homicidal risks.

In closing, I cannot sufficiently express the anguish that these family members endure when their the loved ones do not meet the high bar required for being committed to a hospital. I have also repeatedly been confronted with the fact, from patients themselves, who have sought to obtain firearms prior to their hospitalization. I feel that it is critical that the provision in the bill for reporting the adjudicated mentally ill to the NICS system be retained. I also feel that the absolute minimally sufficient waiting period for the restoration of gun rights is 18 months (or, actually lengthened to 2 years, as in other states). I believe that we owe it to our most vulnerable citizens to protect them from the highly lethal risk of gun possession occurring too soon in their often fragile mental state.