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DATE: April 9, 2015
TO: House Committee on Judiciary
FROM: Ed Paquin, Executive Director, DRVT
IN RE: S.141

In considering S.141 it is important to remember that current federal law already restricts possession of a firearm by individuals convicted of certain felonies and people “adjudicated as a mental defective” within the definitions in 18 U.S.C. § 922(g)(4). DRVT would hope that Vermont, in deciding whether and in what cases to report individuals with mental illness to the federal government to forestall their ability to purchase a firearm from licensed firearms dealers, does not reinforce the stigma of mental illness or create an environment that will discourage people in mental health crises from seeking treatment.

Setting aside that there is a misplaced mythology about the propensity towards violence of people with mental health issues, if the legislature sees wisdom in participating in enforcement of the federal firearms ban through the background check system, it should condition its participation on assessment of an individual’s actual danger rather than on discrimination based on the individual’s having a disability or particular diagnosis. Thus DRVT would point to two key parts of S.141:

- In sections relating to reporting of people found to be “in need of treatment”, those who are found to be so under the definition in 18 V.S.A. §7101(17)(B)*ii* should be excluded as they have not been explicitly been found to be a danger to others nor suicidal.
- In Section 7. regarding “relief from disability” DRVT believes that the opportunity to petition should be tied to the abatement of danger rather than an arbitrary time frame and thus would suggest that individuals be afforded the right to petition when no longer subject to an order of hospitalization or an order of non-hospitalization, in other words when no longer “in need of treatment.

In addition to these areas, DRVT would support the suggestions made by Representative Donahue in the eight points presented in her testimony submitted on April 8, 2015. These points offer the mechanics by which S.141 could be modified to meet its goals without creating a structure based more of stigma and discrimination than on a practical sense of how to protect the public.

DRVT is the protection and advocacy system for the State of Vermont.

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