



Laurie Emerson, Executive Director
NAMI Vermont
April 6, 2015
Committee: House Judiciary Committee
Re: Comments on Bill S.141

<http://legislature.vermont.gov/assets/Documents/2016/Docs/BILLS/S-0141/S-0141%20As%20Introduced.pdf>

Good Morning. My name is Laurie Emerson. I am the Executive Director of the National Alliance on Mental Illness of Vermont. NAMI Vermont is the independent Vermont chapter of the National Alliance on Mental Illness, a statewide non-profit, grassroots, volunteer organization comprised of family members, friends, and individuals affected by mental illness.

In Vermont approximately 23,000 adults and 6,000 youth and teenagers face serious mental illness. Most people living with mental illness can lead fulfilling, productive lives, but only if they have access to treatment. NAMI Vermont recognizes that when dangerous or violent acts are committed by persons with serious mental illnesses, it is too often the result of no treatment or ineffective treatment. Treatment is the best way to prevent violence among the small subset of individuals with mental illness who pose an increased risk.

NAMI recognizes that epidemic gun violence is a public health crisis. Gun violence is overwhelmingly committed by people without mental illness. Individuals with mental illness commit less than 5% of the gun violence in this country.'

NAMI Vermont would like share comment on Bill S.141 that your committee will review.

Gun Shop Project:

Section 3, Page 8 (3): NAMI Vermont testified to the Senate Health & Welfare committee in February and appreciate the committee listening to our testimony to focus the attention on suicide prevention by working with the Suicide Prevention Coalition and gun shop community. We want to recommend that we "implement" these best practices that have been already researched in New Hampshire and not focus valuable time and resources in creating another report for Vermont. The Center for Health and Learning has already prepared a report for the Vermont Department of Mental Health entitled "Reducing Suicide Risk by Limiting Access to Lethal Means". I have provided an electronic copy of this report to Kate that can be shared with you. I would like to impress upon this committee that Vermont needs action – the research has already been done and best practices need to be shared. Many lives can be saved if we act now on implementation and not further reports.

The Center for Health and Learning highlights findings in the report where research from VCHIP and Dr. Nelson align with the current national findings of organizations such as the Children's Safety Network (CSN), that "the significant rate of firearm-related suicide deaths indicates that safe storage and more accurate background checks could help to reduce youth death by firearm – both suicide and unintentional accidental deaths."

National Instant Criminal Background Check System (NICS)

We received feedback from the NAMI Vermont membership where they expressed concerns in using the National Instant Criminal Background Check System to submit names.

- NAMI Vermont supports the bill's intent to limit access to firearms to keep individuals safe and minimize or eliminate dangerous opportunities or intentions when someone is psychotic. We want to reinforce that "treatment" is the best preventative measure that we can take. Individuals may not seek treatment if they

think that their names will go on a “Criminal Background Check System”. Treatment includes various methods, such as dialogue with clinicians, medication, and other services, as needed to stabilize persons in need. Treatment can also include training that leads to volunteer opportunities and supportive employment. NAMI strongly advocates that people with mental illnesses not be stigmatized and subjected to discrimination by being labeled “criminal” or “violent”.

- Although the NICS is a federal program, we disagree with the naming convention of this tool as being a “CRIMINAL Background Check System”. We find it inappropriate when it serves the purpose of submitting names of those with mental illness where there was no violence or personal injury, but were adjudicated to be a risk. Why do we want to further stigmatize individuals who have mental illness by labeling them criminals? We want to ensure that anyone who is subject to be placed on the Background Check System has gone through their due process rights and has had a clinical evaluation by a qualified professional.
- Pg 9, line 2 and pg 10, line 19: It wasn’t clear what type of information is submitted to the Criminal Background Check? Are individuals categorized within this system as an individual who is a violent felon, murderer, person with mental illness but no crime, person with mental illness with a crime, etc.? This is a “Criminal Background Check System” that reports the names of murderers and other violent individuals. Individuals with a mental illness who have been adjudicated as a danger to himself or herself with no injury resulting are subject to be placed in this same system. They may never commit any violent crime whatsoever. We want to ensure that they are not categorized the same as a murderer or violent felon - especially if the federal government uses this list for any other purpose as noted in the bill.
- Pg 9, line 9 and pg 11, line 6: Although the bill suggests that the background check system is not used for any other purpose, there is concern that the information of individuals could get in the wrong hands, be hacked by individuals, and/or another federal program who may have access to it. There is concern that these individuals could be denied certain programs or services such as employment, housing, and other basic needs. The bill states that the report “May be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license”.
- Pg 9, line 6 and pg 11, line 3: Does the person completing the background check see any information other than the person’s name that may appear in the background check? We want to ensure privacy and confidentiality of information where the bill is unclear as it relates to disclosure of information on pgs 9-10.
- We appreciate and support the provision to “Petition for Relief from Disability” for individuals who are in recovery who want to be removed from the Criminal Background Check System.

Thank you for your time and listening to our comments.

1. Separating Myth from Fact: Unlinking Mental Illness and Violence and Implications for Gun Control Legislation and Public Policy, Laurie R. Martinelli, J.D., Executive Director, NAMI Mass; June S. Binney, Criminal Justice Project Director, NAMI Mass; and Rebecca Kaye, J.D.