

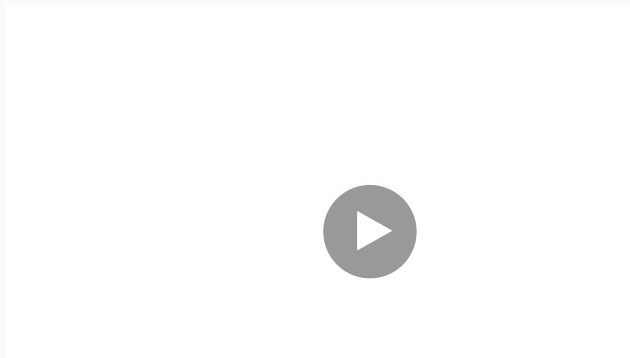
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Report: VT gun law adds 589 people to background check list

April McCullum, Free Press Staff Writer Published 3:43 p.m. ET Feb. 9, 2018

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MONTPELIER - A new report says Vermont has added 589 people to the national background check database, barring them from purchasing a gun, because state courts ordered hospitalization or other treatment for mental illness.

Vermont Court Administrator Patricia Gabel's report is the first to describe the impact of controversial new gun restrictions that took effect in October 2015.

Read the full report [here](#).

Act 14 of 2015 requires state courts to report to the National Instant Criminal Background Check System within 48 hours when a suspect in a criminal case has been committed to the custody of the Department of Mental Health. The law also requires reporting when a court has ordered a person to be hospitalized or to undergo outpatient treatment because their mental illness makes them a danger to themselves or others.

Federally licensed firearms dealers check the NICS database to determine whether a customer is prohibited from purchasing a gun.

Prior coverage: [April 2015: Gun bill passes, supporters spent over \\$50,000](#)

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Vermont legislators added the reporting requirements out of concern that background checks were not identifying people with dangerous mental illness.

"A seriously dangerous and mentally ill person could go purchase a gun at a firearms dealer right now, and the person's name will not appear when the dealer conducts its federally required background checks," Sen. Dick Sears, D-Bennington, said in 2015.

In the House, Rep. Willem Jewett argued at the time that "restricting felons and the dangerously mentally ill from possessing firearms is in keeping with our constitutional right to bear arms."

Opponents argued that the new requirement would further [stigmatize mental illness](#).

Wilda White, executive director of Vermont Psychiatric Survivors, said some Vermonters were surprised and confused when they received letters stating they had been added to the national database.

White said many orders of non-hospitalization are given through stipulated agreements that Vermonters might not fully understand.

"People are not being apprised of the ramifications of stipulating to this sort of non-hospitalization," White said. "I don't think people would ever imagine that they're going to be reported to a national database as a result of it."

State law allows people to file a petition in court to restore their right to buy firearms. No one has attempted this process, according to the court administrator's report.

Chris Bradley, a gun-rights activist and president of the Vermont Federation of

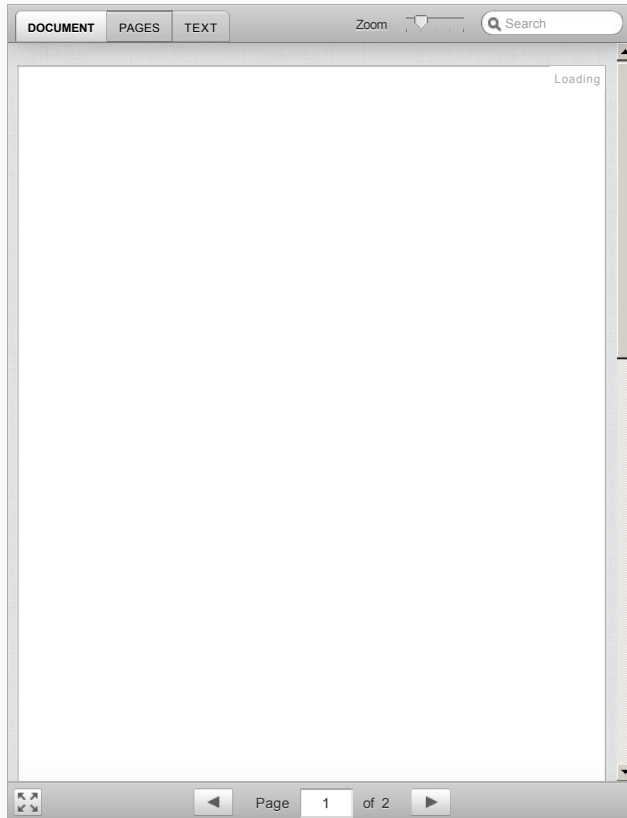


Sportsmen's Clubs, suggested the expense of the court process might dissuade some people from filing a petition.

"The rights appeal restoration process is a necessary element of the due process of law," Bradley wrote in an email.

The 2015 law also prohibited gun possession for people convicted of certain serious violent crimes and certain drug trafficking crimes.

The Vermont Department of State's Attorneys and Sheriffs was due to report to the Legislature by Jan. 15 about the number of people charged and convicted under the gun possession law. The report was yet to be available as of Friday.



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