

112TH CONGRESS
1ST SESSION

H. R. 1898

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

MAY 13, 2011

Mr. REHBERG 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 adding at the end the fol-
6 lowing new section:

7 **“§ 5511. Conditions for treatment of certain persons**
8 **as adjudicated mentally incompetent for**
9 **certain purposes**

10 “In any case arising out of the administration by the
11 Secretary of laws and benefits under this title, a person
12 who is mentally incapacitated, deemed mentally incom-
13 petent, or experiencing an extended loss of consciousness
14 shall not be considered adjudicated as a mental defective
15 under subsection (d)(4) or (g)(4) of section 922 of title
16 18 without the order or finding of a judge, magistrate,
17 or other judicial authority of competent jurisdiction that
18 such person is a danger to himself or herself or others.”.

19 (b) **CLERICAL AMENDMENT.**—The table of sections
20 at the beginning of chapter 55 of such title is amended
21 by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally in-
competent for certain purposes.”.

○