

111TH CONGRESS  
1ST SESSION

# S. 669

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 2009

Mr. BURR (for himself, Mr. WEBB, Mr. GRAHAM, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. VITTER, Mr. ENZI, Mr. INHOFE, Mr. ENSIGN, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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.”.

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