

110TH CONGRESS
2D SESSION

S. 3167

To amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2008

Mr. BURR (for himself, Mr. WICKER, Mr. CRAIG, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children 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 VETERANS,**
 2 **THEIR SURVIVING SPOUSES, AND THEIR**
 3 **CHILDREN AS ADJUDICATED MENTALLY IN-**
 4 **COMPETENT FOR CERTAIN PURPOSES.**

5 (a) IN GENERAL.—Chapter 55 of title 38, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing new section:

8 **“§ 5511. Conditions for treatment of veterans, sur-**
 9 **viving spouses, and children as adju-**
 10 **dicated mentally incompetent for certain**
 11 **purposes**

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

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of chapter 55 of such title is amended
 24 by adding at the end the following new item:

“5511. Conditions for treatment of veterans, their surviving spouses, and their children as adjudicated mentally incompetent for certain purposes.”.

