

September 9, 2019

The Honorable Jerrold Nadler
Chairman
U.S. House Committee on the Judiciary
2132 Rayburn House Office Building
Washington, DC, 20515

The Honorable Doug Collins
Ranking Member
U.S. House Committee on the Judiciary
1504 Longworth House Office Building
Washington, DC, 20515

Dear Chairman Nadler and Ranking Member Collins,

As the House Committee on the Judiciary reviews proposals to prevent gun violence, including extreme risk protection order (ERPO) legislation, the undersigned coalition of mental health and wellness organizations write to urge the Committee to oppose any policy that furthers the dangerous conflation of mental health and gun violence or encourages the practice of involuntary commitment.

In the aftermath of mass shootings and violent tragedies, like those in El Paso and Dayton, there is heightened rhetoric, and too often blame is misdirected at mental health conditions and disabilities. Yet, we know that living with mental illness does not make a person dangerous. People with mental health conditions and disabilities are more likely to be the victims of violence rather than the perpetrators of it.

Any attempt to require courts to consider a respondent's mental health status when deciding whether to restrict gun ownership improperly perpetuates unfounded assumptions that people with mental disabilities are prone to violence. Most ERPO laws that are already in place at the state level permit the court to consider patterns of *behavior* that indicate risk of future violence such as a conviction of a violent misdemeanor, conviction of a domestic violence misdemeanor, and unlawful or reckless use, display, or brandishing of a firearm by the respondent. These behavioral factors are a stronger predictor of future violence than an individual's mental health status.

Any requirement under an ERPO statute that the court evaluate the respondent for involuntary commitment would undermine the respondent's civil liberties. Civil commitment is one of the only procedures through which constitutional rights can be deprived without a crime having been committed, and can have long term collateral consequences for individuals, including restrictions on employment, the ability to own firearms, and in some states, even the right to vote. Our lawmakers should exercise extreme caution whenever considering policy that would propagate this practice. There is no evidence that gun homicides are a result of an underuse of civil commitment.

In your work to prevent gun violence, we urge you not to stigmatize and harm people living with mental health conditions and disabilities.

Sincerely,

American Art Therapy Association

American Association for Psychoanalysis in Clinical Social Work

American Group Psychotherapy Association

Anxiety and Depression Association of America

Association for Ambulatory Behavioral Healthcare

Bazelon Center for Mental Health Law

Clinical Social Work Association

College of Psychiatric and Neurologic Pharmacists

Families USA

Global Alliance for Behavioral Health and Social Justice

International OCD Foundation

Mental Health America

National Association for Rural Mental Health

National Association of County Behavioral Health & Developmental Disability Directors

National Association of School Psychologists

National Association of Social Workers

National Disability Rights Network

National Eating Disorders Association (NEDA)

National Federation of Families for Children's Mental Health

National Health Care for the Homeless Council

National Health Law Program

National Register of Health Service Psychologists

Sandy Hook Promise

School-Based Health Alliance