

Mental Health Firearm Laws and Restoration of Firearm Rights

Joseph Simpson, MD PhD

Track: Legal, Clinical

CE: CPA/BBS/BRN/MCLE (1.5)

Narrative

For over half a century, federal law has prohibited firearm possession by people with a history of involuntary psychiatric commitment. Many states also have laws addressing this issue. In the past several years, high-profile mass shooting tragedies have focused a great deal of attention on the efficacy, or lack thereof, of this type of law, as well as on the nexus between mental illness and violence generally. The past few years have seen the emergence of new laws seeking to enhance public safety, including New York's Secure Ammunition and Firearms Enforcement Act (SAFE Act) and Gun Violence Restraining Orders or Extreme Risk Protection Orders, also known as "Red Flag Laws," which have been passed in California and a number of other states.

The complex patchwork of state and federal firearm laws generates confusion for patients and mental health providers alike. This area of forensic mental health law has often been neglected in training programs and educational conferences, leaving many practitioners unsure of the answers to questions such as:

- What causes a person to lose the right to own a firearm?
- What is the process to restore that right?
- What is a "Red Flag Law?"

This presentation will provide a framework for understanding federal and California mental health firearm laws, California's Gun Violence Restraining Order, and restoration of firearms rights in California.

BIO

Joseph Simpson, MD, PhD

Joseph Simpson is a supervising psychiatrist with the Los Angeles County Department of Health Services, Correctional Health Services, which provides health and mental health care for the Los Angeles County jail system.

Joseph is a clinical associate professor at the University of Southern California Keck School of Medicine and serves on the faculty of the forensic psychiatry fellowship program at the USC Institute of Psychiatry and Law. He has presented at local and national professional meetings and published several articles in peer-reviewed journals on the subject of mental health firearms prohibitions.

Learning Objectives

1. Describe the criteria for loss of firearm rights due to mental health reasons under federal and California law.
2. Describe how California and the federal government keep track of mental health firearms prohibitions.

3. Differentiate the role of mental health professionals under reporting regimes such as New York's SAFE Act and California's Gun Violence Restraining Order law.
4. List the optimal elements in an evaluation for restoration of rights.