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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF 51P; AG Order No. 3411-2014]

RIN 1140-AA47

Amended Definition of “Adjudicated as a Mental Defective” and “Committed to a Mental Institution” (2010R-21P)

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Justice proposes amending Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulations to clarify definitions of two categories of persons who are prohibited from receiving, possessing, shipping, or transporting firearms under the Gun Control Act of 1968. The proposed rule would clarify that the statutory term “adjudicated as a mental defective” includes persons who are found incompetent to stand trial or not guilty by reason of mental disease or defect, lack of mental responsibility, or insanity, and that the term includes persons found guilty but mentally ill. The Department recognizes that the term “mental defective” is outdated, but it is included in the statute and cannot be amended by regulation. The proposed amendments would further clarify that federal, state, local, and military courts are

recognized lawful authorities that can find persons incompetent to stand trial or find them not guilty by reason of mental disease or defect, lack of mental responsibility, or insanity.

The proposed rule seeks public comments regarding whether the statutory term “adjudicated as a mental defective” includes an adjudication that occurred when the person was under the age of 18. This proposed rulemaking would also amend ATF regulations to clarify that the statutory term “committed to a mental institution” applies to involuntary inpatient or outpatient treatment. The proposed rule seeks public comments regarding whether the statutory term “committed to a mental institution” includes an involuntary commitment that occurred when the person was under the age of 18.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before [Insert date 90 days after date of publication in the FEDERAL REGISTER]. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after midnight Eastern Standard Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by docket number ATF 51P, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: (202) 648-9741.
- Mail or Hand Delivery/Courier: George M. Fodor, Room 6.N-523, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue, NE, Washington, DC, 20226.

