**Beau Biden Gun Violence Prevention Act**

The *Beau Biden Gun Violence Prevention Act* is designed to ensure that firearms are not in the hands of those who present a danger to themselves or others, while protecting due process and not creating a barrier to care for those suffering from mental illness. The legislation is named after former Attorney General Beau Biden in recognition of his commitment to this issue.

**WHAT WOULD THE LEGISLATION DO?**

* It would add the following individuals to the list of persons prohibited from owning a firearm:
  + A person who has been committed to a hospital for treatment of a mental condition.
  + Perpetrators of violent crimes who have been found:
    - Not Guilty By Reason of Insanity;
    - Guilty But Mentally Ill; or
    - Mentally Incompetent to Stand Trial.
* It would require health professionals to report to law enforcement anyone they believe presents a danger to themselves or others.
  + Currently, there is only a limited duty of a treating hospital to warn law enforcement of a specific threat.
  + *To avoid liability*, this bill requires all treating mental health professionals must report dangerous persons to law enforcement.
  + The appropriate law enforcement agency must then determine whether a civil action should be initiated to relinquish the person’s firearms or ammunition and to take appropriate investigative action.
* It creates a process to require anyone found, by Superior Court, to present a danger to themselves or others to relinquish their firearms.
  + After investigation, law enforcement could seek an order from Superior Court to require individuals who present a danger to themselves or others to relinquish their firearms or ammunition.
  + Superior Court could order the relinquishment happen in one of several ways:
    - Allow the individual to voluntarily relinquish firearms to law enforcement.
    - Require the individual to relinquish firearms to law enforcement.
    - Allow the individual to relinquish firearms to a personal designee. The designee must not reside with the individual.
    - As a last resort, the Court may direct law enforcement to search and seize firearms.
  + Affected individuals may appeal the Court’s order to Delaware Supreme Court, or petition the Court to regain possession of their firearms.
  + If the basis for relinquishment is removed by the Court, firearms and ammunition must be returned in a timely manner.
* Provisions in the legislation WILL NOT retroactively apply to any persons adjudicated in the past.

**MENTAL HEALTH AND GUN VIOLENCE**

* *These are from DHSS Secretary Kara Odom Walker’s prepared remarks, so I wouldn’t use them in remarks. But these are points to consider when asked questions by the media.*
* We know that the vast majority of people living with a serious and persistent mental illness are much more likely to be victims of violent crimes than the perpetrators.
* We also know there are warning signs that we must heed: When individuals with a mental illness are a danger to themselves or others, we must act to protect them and others.
* While most public discussions about mental illness and violence focus on violence toward others, mental illness is much more strongly linked with the risk of suicide.
* Suicide is the 10th-leading cause of death among all Americans. And although most suicide attempts do not involve guns, more than half of completed suicides are firearm suicides.
* In 2016 in Delaware, 125 lives were lost to suicide, and more than half – 65 – were the result of firearms. Nationwide, there were a total of 38,000 gun deaths in 2016, with about two-thirds of those from suicide.
* While access and treatment are part of the solution, another is removing guns from the situation when someone is a danger to themselves or others.
* Beyond this bill, our ability to talk openly about mental illness is critical. As a society, too often we fail to recognize the signs of mental illness -- in people of all ages -- and when we do, we too often turn away instead of reaching out to help.