



Friday, September 7, 2018

The Honorable Governor Edmund G. Brown
State Capitol, Suite 1173
Sacramento, CA 95814

Assembly Bill 1968 – Request for VETO

Dear Governor Brown,

I write you today on behalf of Firearms Policy Coalition, a fiercely non-partisan nonprofit organization that promotes individual liberty and sound public policy through litigation, research, education, grassroots outreach, and direct advocacy.

Assembly Bill 1968 would impose a lifetime ban on gun ownership on people admitted to a mental health facility more than once in a 1-year period. This bill stigmatizes those with mental health conditions and would perversely restrict the constitutional rights of those who seek medical or psychological treatment.

By expanding the process by which a person may be deprived of both liberty and property without notice and an opportunity to be heard, the bill threatens rights secured by the Due Process Clause of the Fifth Amendment. Because “[t]he right to prior notice and a hearing is central to the Constitution’s command of due process,” *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993), the “general rule” is “that individuals must receive notice and an opportunity to be heard before the Government deprives them of property.” *Id.* at 48.

And yet this bill fails to include any procedural safeguard to protect the constitutional rights of those who are subject to its prohibitions. Its reach is vast—what constitutes being a “danger to others” is left at the sole discretion of psychiatric personnel—and there is no right to judicial review. People suffering benign mental health conditions, or those who are treated for and cured of short-term conditions are nevertheless subject to a lifetime ban on their constitutionally protected rights.

We respectfully ask for your veto of Assembly Bill 1968.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Combs', with a large, stylized flourish at the end.

Brandon Combs
President