

# ARMED FORCES CRISIS INTERVENTION NOTIFICATION ACT

On October 25, 2023, Maine experienced the worst mass shooting in its history. Eighteen Mainers were killed, and another thirteen were injured. The shooter was a Sergeant First Class in the U.S. Army Reserve. Investigations by the Army Reserve, Army Inspector General, and a Commission established by the Governor of Maine confirmed that there were numerous missed opportunities to intervene and potentially prevent this tragedy. In many instances, there was a clear lack of effective communication and coordination. The findings of the investigations also serve as a stark reminder that members of the Armed Forces are not immune from mental illness. This bill will help keep our communities safe and ensure that service members in crisis get the assistance they need, without infringing upon the rights of law-abiding gun owners.

## KEY PROVISIONS INCLUDE:

- **Directing the Armed Forces to Fully Utilize State Crisis Intervention Programs.** This bill directs the Armed Forces to fully utilize state crisis intervention programs in certain circumstances, namely when a service member is determined to be unfit to possess military firearms due to the member making a serious, credible threat of violence or when a service member has been involuntarily committed to a mental hospital. “Fully utilize” is defined to mean (1) taking action available to third parties under a state crisis intervention program and (2) providing relevant material facts to appropriate law enforcement or judicial personnel.
- **Directing the Armed Forces to Fully Participate in Judicial Proceedings.** This bill facilitates information sharing by directing the Armed Forces to produce, upon request, relevant evidence in judicial proceedings authorized as part of a state crisis intervention program.
- **Protecting the Ability of States to Design Crisis Intervention Programs.** This bill preserves the ability of states to craft crisis intervention programs that work best for them. The Armed Forces would simply operate within each state’s framework, provided the state programs adhere to the due process and Second Amendment protections detailed for such programs in the *Bipartisan Safer Communities Act*. The bill does not require states to adopt, modify, or expand any crisis intervention programs, nor does it create a federal crisis intervention program.
- **Protecting the Due Process and Second Amendment Rights of Service Members.**
  - As noted, this bill directs the Armed Forces to utilize state crisis intervention programs that include the due process and Second Amendment protections already specified by Congress in the *Bipartisan Safer Communities Act*.
  - This bill directs the Armed Forces to fully participate in judicial proceedings authorized as part of a state crisis intervention program, including proceedings initiated by a current or former service member to modify or terminate a protection order to regain possession of his or her firearms when the military has evidence that may be helpful to his or her case.
  - This bill does not affect the military’s existing authority to disarm service members of their service weapons in a broad range of situations that are unrelated to a serious, credible threat of violence or involuntary commitment to a mental hospital, when it might not make sense to trigger a state crisis intervention program.