

## FAST FACTS

# Correcting MISTAKEN BELIEFS ABOUT THE VA CONFISCATING VETERANS' GUNS

NSSF®, The Firearm Industry Trade Association, and its member companies proudly support America's military service veterans. In the interest of helping veterans make decisions based on accurate information about how their personal firearms might be affected when seeking VA-provided care for mental health, suicide prevention or other health needs, NSSF and other organizations are disseminating the following fact sheet. Misinformation should never prevent veterans from obtaining the healthcare they are eligible for.

### **CORRECTING THE MISTAKEN BELIEF THAT THE VA CONFISCATES VETERANS' GUNS**

Many veterans hold a common misconception that seeking mental health care or other treatment from the Department of Veterans Affairs (VA) will lead to their guns being confiscated. This belief, though widespread, is mistaken. The following information gives the facts about veterans' health care, disability claims, and gun ownership rights.

### **DOES SEEKING VA HEALTH CARE CAUSE A VETERAN'S GUNS TO BE TAKEN AWAY?**

**No**, seeking mental health or physical health care from the VA does not cause a veteran's guns to be confiscated.

### **DOES THE VA SUBMIT A VETERAN'S NAME TO THE CRIMINAL BACKGROUND CHECK SYSTEM BECAUSE THEY SOUGHT VA HEALTH CARE OR CONTACTED THE VETERANS CRISIS LINE?**

**No**, the VA does not report a veteran to the National Instant Criminal Background Check System (NICS) for engaging in VA health care or contacting the Veterans Crisis Line.

### **DOES THE VA REPORT A VETERAN TO NICS WHO IS AWARDED VA SERVICE-CONNECTED DISABILITY BENEFITS AND IS ASSIGNED A FIDUCIARY?**

Under federal law, VA is required to report to NICS the names of veterans awarded disability benefits who are found to be mentally incompetent. Until recently, veterans who were

awarded disability benefits and were also determined to need a fiduciary to manage their finances were reported to NICS. However, a change in law has modified this obligation. Now, VA only reports cases where it is aware that the mentally incompetent beneficiary of disability benefits has been determined by a judicial authority to be a danger to self or others.

### **CAN A VETERAN WHO IS AT IMMINENT RISK OF HARM TO SELF OR OTHERS HAVE THEIR GUNS CONFISCATED?**

Some states have Extreme Risk Protection Orders which are civil court orders that temporarily restrict firearm access for an individual who is behaving

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dangerously or presents a high risk of harm to self or others. The laws vary by state, but generally permit law enforcement, family members, clinicians, or others to petition a court for a temporary civil order prohibiting a person from possessing firearms. The individual is legally entitled to an in-person due process hearing from an impartial judicial officer, normally before an order is issued or shortly afterward if, due to the exigency of the circumstances, there wasn't time for an in-person due process hearing before the order needed to be issued. In these proceedings, veterans receive the same treatment as all other firearms owners.

**VA does not issue Extreme Risk Protection Orders and does not confiscate veterans' firearms.**

**A VETERAN'S HEALTH AND WELLBEING CAN BE IMPROVED KNOWING THE FACTS.**

**No veteran should go without care** or forego filing for disability benefits because they heard false information that the government will take away their guns if they do so. Veterans who are eligible for VA health care should get the help they need.

When having an honest conversation about suicide risk, acknowledging gun ownership can save a veteran's life.

**Veterans in crisis should always seek immediate help** by contacting the [Veterans Crisis Line \(VCL\)](#) by dialing 988 and then pressing "1," texting 838255, or chatting using this link. Since the VCL was created in 2007, it has made more than 1,600,000 referrals to VA suicide prevention coordinators.

Please note: Under Federal law and regulation, individuals are prohibited from entering federal property or buildings with firearms, other dangerous weapons, or explosives.

Information provided on this Fact Sheet represents actualities on the date of issuance, August 30, 2024.

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Please note: According to law and regulation, it is illegal for an individual to come onto federal property or enter federal buildings possessing firearms, other dangerous weapons, or explosives, except for official purposes.

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