



HB 866 by Rep. Moody
House Committee on Criminal Jurisprudence

Good morning. My name is Andrea Brauer, Executive Director of Texas Gun Sense (TGS), and I am testifying in support of HB 866, which creates a Lethal Violence Protective Order.

TGS is statewide nonprofit and nonpartisan organization advocating for common sense, evidence-based policies to reduce gun injuries and deaths. We are not an anti-gun group, and we respect the Second Amendment. We also believe that more can be done to keep high-risk individuals and children from accessing firearms and reduce the number of lives lost to gun violence. The Lethal Violence Protective Orders (LVPO) is a perfect example of a targeted policy to keep guns out of the hands of those that are at high risk of harming themselves or others – something we should all be able to agree upon.

In essence, the LVPO provides families and law enforcement a tool to prevent needless tragedies and address the high number of suicides in Texas. Prior to an individual committing violence, there are often clear warning signs that provide an opportunity to act. 80% of people considering suicide give signs of their intentions. There are numerous instances where an individual's family members knew of potential danger before a tragedy, but had no recourse to prevent violence.

I can attest to two examples of incidents where an LVPO could have helped, right in my own neighborhood. My neighbor brought his brother in law to me, because his adult son with bipolar disorder was living at home, and stockpiling guns, and they were scared of him. They came to me and asked what they could do. Short of kicking him out of the house, which they didn't want to do, I said there is nothing they can do.

My other neighbor just last year was living next door to an older couple with dementia and their adult alcoholic son lived with them. The couple kept their gun on the nightstand, and one night, the son came into their room, got into a fight, and struggled for the gun. It went off in the direction of my friend's home, narrowly missing their window, where they and their three young daughters were at home.

These are the real-life incidents we're trying to address with this bill - families of individuals at high risk for harming themselves or others currently have inadequate tools to keep those individuals safe, and approximately 1,900 Texans die by suicide by gun each year, a number that has risen every year since 2011. A 2016 study by researchers out of Duke University found implementation of LVPO legislation in Connecticut may have prevented up to 100 suicides, and help direct people to mental health care.

The strength of this proposal comes in its narrow focus. Only if a family member or member of law enforcement can provide clear and convincing evidence that an individual poses a risk of imminent personal injury to himself or others, could a court issue a LVPO. In determining whether to issue the LVPO, a court would consider past criminal behavior and history of actual or threatened violence. Furthermore, if the courts impose the one-year order, the individual subject to it could petition the court to have gun rights restored earlier if the crisis or threat to self or others had passed. Additionally, the bill contains penalties for anyone that files a false report.

Similar legislation has passed in several states including Indiana, and we ask this committee to pass this bill to empower law enforcement and families in preventing injuries. A Texas LVPO law would be a no-cost solution that would help those who are at risk of harming themselves or others, protect the general public, and save lives. We do not expect these orders to be issued lightly, or used frequently. But for those families that need them, it would help tremendously in keeping their families safe.

Thank you for your time and the opportunity to voice our strong support for this critical measure. I welcome your questions.

Sincerely,

Andrea Brauer, Executive Director, Texas Gun Sense