



85th Texas Legislative Session Summary: Gun Bills and Gun Violence Prevention Discussion

In the 2017 Legislative Session, Texas state legislators considered over 100 gun-related bills. While most sought to reduce firearm regulation, over 40 were filed to strengthen gun laws and reduce gun violence. Twenty-three of these received hearings. *This is progress.* To our knowledge, there have never before been as many gun violence prevention bills filed or heard, which is a reflection of the growing movement to address this problem in the state. Texas Gun Sense (TGS) is the only gun violence prevention organization in Texas that stepped up to work with legislators on proactive measures before the session started. As a result of our efforts, 13 bills were filed to address the growing number of gun deaths in our state. The bills would have encouraged safe gun storage and suicide prevention, strengthened enforcement of gun laws, and reduced gun trafficking.

TGS Accomplishments

*13 bills filed
2 budget riders filed
6 hearings held
1 resolution passed*

During the session, TGS testified at hearings, met with legislative offices, distributed policy papers, and sent action alerts that mobilized advocates to show up, make calls, and send emails. We worked with the sponsors of many problematic bills to explain unintended consequences and to help develop alternative versions. Additionally, for the first time, TGS circulated a formal legislative agenda promoting proven strategies for reducing gun violence.

Highlights of our success this session include:

- ***Put gun violence prevention front and center in committee hearings.***
- ***Defeated unlicensed carry and other proposals that would have put public safety at risk. Most of the harmful gun bills that were filed died or did not get hearings.***
- ***Elevated Texas Gun Sense and became the "go-to" organization on gun policy for legislators and other groups.***
- ***Saw bipartisan support when Rep. Oscar Longoria (D-Mission) filed the budget rider in the House, along with Senator Joan Huffman (R-Houston) in the Senate to direct state funds to a safe storage campaign.***
- ***Got across-the-aisle support for HB 2655, a bill to improve enforcement of federal gun laws. It was voted favorably out of the House Homeland Security and Public Safety Committee.***

TGS had a strong presence at the Capitol

*TGS testified at 15 hearings
Registered in support of 17 bills
Registered in opposition to 16 bills*

In a state like Texas that is known for its strong support of the Second Amendment, we view these steps forward as progress. The gun lobby has been forced to organize and respond to gun violence prevention proposals, and knows that advocates have the power to defeat dangerous bills. It was clear that its opposition was based on fear and a desire to control the narrative and preserve the status quo, and was not in the best interest of public safety, or even many of the people it claims to represent.

While some troubling proposals did become law, TGS is grateful for its victories and the other organizations that stepped up to oppose harmful bills and support gun violence prevention. These include the Texas Municipal Police Association, the League of Women Voters of Texas, the National Alliance on Mental Illness Texas, Mental Health America of Texas, the Children's Defense Fund - Texas, the Coalition of Texans with Disabilities, Moms Demand Action for Gun Sense in America, and others.

Bills Strengthening Public Safety That Became Law

Texas Gun Sense worked with **Sen. Sylvia Garcia** on **SR 854**, which calls for the State of Texas to officially observe National Gun Violence Awareness Day and recognizes TGS and some of its key partners as advocates calling for reduced violence. This day will serve as a vehicle for organizations and community members to learn about gun violence and commit to preventing these terrible tragedies from happening. Additionally, TGS will utilize this resolution over the interim to spur action by state agencies and lawmakers.

SB 12 by **Sen. Royce West** appropriated funds for law enforcement agencies to buy more bulletproof vests for police officers to wear while on duty. TGS registered in support of this bill to protect officers in potentially deadly situations. This common-sense law garnered overwhelming bipartisan support and was signed into law by Gov. Abbott on May 27th. It went into effect immediately.

HB 2880 by **Rep. Harold Dutton** will make it a felony for a person with immediate access to a gun to threaten to exhibit or use that gun on school grounds. It also will make it a Class A Misdemeanor to threaten to exhibit or use a firearm on school grounds even when an individual does not have immediate access to a gun. By allowing police officers to detain an individual who is making a threat on a school campus -- rather than requiring officers to wait until the individual is armed -- police will be empowered to deescalate a situation before children's lives are put at risk. This law will take effect September 1.

HB 14 by **Rep. Andrew Murr** would have allowed the state's 10 psychiatric hospitals the authority to ban firearms on their campuses. TGS, along with many advocates in the disability and mental health communities, championed this bill for its potential to limit guns at facilities serving acutely vulnerable populations. The bill did not pass but was successfully amended to **HB 435** by **Rep. Ken King**, a problematic bill that is discussed later in this report. The bill becomes effective September 1.

SB 578 by Sen. Eddie Lucio created a veteran suicide prevention action plan. Because most gun deaths in the state are suicides, we support any efforts to address the problem. TGS registered in support of the bill; it passed and goes into effect on September 1.

Harmful Gun Bills That Became Law

As discussed above, **HB 435** by Rep. **Ken King**, while allowing state hospitals to ban guns on their campuses, also has provisions that increase access to guns in sensitive areas and situations. The new law allows volunteer emergency service personnel that are on duty to carry a handgun onto certain property if they have a license to carry. (TGS opposed three similar bills which were defeated.) Additionally, **HB 435** will expand the categories of government attorneys allowed to carry guns in otherwise prohibited places so long as they maintain a license. The newly passed law will go into effect September 1.

Though unlicensed carry has recently passed in a few states, TGS and partners were able to defeat these bills in Texas.

In 2013, the Legislature passed a bill authorizing school boards to designate and arm a “school marshal” on public school campuses. School marshals are school personnel who can carry guns if they complete 80 hours of training. **HB 867** by **Rep. Villalba** extends that right to private school governing boards as well and increases the number of school marshals allowed on public school campuses. TGS strongly believes that guns in schools increase risk to children; for this reason and because TGS believes Texas should be working to keep guns out of dangerous hands on the front end, we testified against this bill. The bill passed and will take effect September 1st, 2017.

Harmful Gun Bills That Were Defeated

By far one of the most troubling proposals considered this legislative session was unlicensed (sometimes termed “Constitutional”) carry. The original bill, **HB 375** by **Rep. Jonathan Stickland**, would have stripped the

requirement for anyone wanting to carry a handgun in public to secure a Texas License to Carry (LTC). This bill never made it out of committee, but another unlicensed carry bill, **HB 1911**, by **Rep. James White**, was voted favorably out of committee. TGS testified against both bills, brought partners and legislators together for a press conference, launched a major media awareness campaign, and activated its network in opposition. These efforts helped ensure that HB 1911 was not scheduled for a floor vote by the Calendars Committee and thus defeated.

Currently, anyone providing private security for an event must meet certain training and administrative requirements, including demonstrating competency in handling a firearm, unless an individual is exempted under the Occupational Code. **HB 421** by **Rep. Matt Rinaldi** would have created an exemption for anyone volunteering to provide security for a religious place of worship. Though the bill would have required those volunteers to have an LTC, that license is only for personal protection; therefore, this bill would have set a dangerous precedent. TGS believes that if an individual is going to provide security services, whether paid or voluntary, he or she should have adequate training; otherwise, others may be put at risk. TGS testified in opposition and helped keep the bill from getting a House floor vote.

HB 131 by **Rep. Matt Krause** would have preempted federal regulation of the intrastate manufacture of a firearm. Given that Texas has no oversight of this activity currently, TGS saw no reason to pass legislation to preempt federal regulation. TGS testified against the bill, and it did not make it out of the House Calendars Committee for a floor vote and was defeated.

Under the current statute, it is illegal for someone with an LTC to carry a handgun on school grounds or any grounds on which a school-sponsored activity is being conducted. **HB 356** by **Rep. Dan Huberty** would have added an exception to that statute allowing the superintendent and members of the board of a school district to carry a handgun while attending a meeting of the board of trustees, as long as the individual possesses a license to carry. TGS registered in opposition to the bill, since there is no evidence showing the benefit of allowing guns into these meetings that merits the exception, and there is risk whenever guns are introduced into a situation. The Public Education Committee left the bill pending.

TGS opposes guns in schools in any form, which is why we registered in opposition to **HB 1313** by **Rep. Jason Villalba**. HB 1313 would have increased funding for the school marshal program by extending grants to school districts and open-enrollment charter schools. Texas should be focused on keeping guns out of the wrong hands on the front end rather than arming school personnel. The bill was assigned to the Homeland Security and Public Safety Committee, where it was left pending.

HB 2022 by **Rep. Craig Goldman** would have removed certain signage requirements about illegal weapons at bars and restaurants. TGS raised concerns about this bill, and due to confusion, the legislator pulled the bill down, and it was never heard.

SB 349 by **Sen. Brandon Creighton** sought to limit the definition of school-sponsored activities to those taking place on grounds owned or operated by the school. When our supporters raised concerns about the impact this would have on zoos and museums, we helped by working to get amendments introduced in the House and Senate. While the amendments ultimately failed, the bill then died in the House Calendars Committee and so was defeated.

SB 459 by **Sen. Don Huffines** would have exempted firearms, air guns, knives, or ammunition from taxation, and preempted firearm regulation by a municipality or county. TGS saw no problem that this bill addressed, or need for the bill, and we registered in opposition to it. The bill did not receive a hearing in the House.

SB 1408 by **Sen. Don Huffines** would have allowed firefighters and EMTs (Emergency Medical Technicians) to carry guns on duty. TGS believes that this would have blurred the lines with law enforcement and taken the focus off fighting fires and other life-saving activities like CPR. We opposed two similar House bills, **HB 56** by **Rep. Dan Flynn** and **HB 2735** by **Rep. Dwayne Bohac**, that died. SB 1408 made it all the way to the House Calendars Committee, and TGS launched a campaign to defeat the bill, mobilizing supporters, and visiting Calendars Committee members. The effort was successful and the bill died in the Calendars Committee.

SB 1492 by **Bryan Hughes**, and **HB 1692** by **Rep. Cole Hefner** required school districts to allow employees to have unsecured guns in cars on school parking lots. While HB 1692 did not make it out of the House, SB 1492 did pass the Senate and the House Committee on Homeland Security and Public Safety. Because TGS recognized the dangers of thefts and accidents when guns are left unsecured in cars in sensitive areas, we worked with offices on an amendment to ensure the guns were secured within vehicles. The amendment failed, and subsequently, we launched a campaign to defeat this bill, mobilizing supporters, circulating policy pieces, and visiting Calendars Committee members. While the bill died in Calendars, the measure was unfortunately amended to SB 1566 in the last week of session, and was signed by the Governor. It goes into effect September 1st, 2017.

Other TGS-Opposed Bills That Did Not Pass

HB 606 (Rep. Drew Springer) – Relating to the liability of a person who allows handguns to be carried on property owned, controlled, or managed by the person.

HB 960 (Rep. Jason Villalba) – Relating to the establishment of school marshal grant programs by the criminal justice division of the governor's office and the adoption of a school marshals promotion program.

HB 981 (Rep. John Wray) – Relating to the carrying of handguns by and an exemption from application of the Private Security Act of certain persons who provide security services on a volunteer basis at an established place of religious worship.

SB 444 (Rep. Van Taylor) – Relating to school marshals for private schools.

In addition to these harmful bills that were defeated, 21 other proposals to loosen gun laws never received hearings.

Bills Strengthening Public Safety That Did Not Become Law

Texas Gun Sense was proud to be an integral part of the effort to introduce gun violence prevention bills this session. Despite our efforts, the gun lobby actively opposed every bill that Texas Gun Sense championed.

Though the NRA has worked on suicide prevention in other states, and purports to support strict enforcement of gun laws and safe storage on its website, in the end, the organization, represented by the Texas State Rifle Association, would not support these public safety bills. While TGS is disappointed by the outcome, we will continue to encourage dialogue and educate legislators about the need and value of gun violence prevention laws.

Public Education

Public awareness of gun safety is a top priority for TGS. TGS testified, met with legislators, spoke to the media, and activated its network in an effort to secure a safe gun storage campaign. While these efforts did not result in successful passage of legislation this session, we know that it often takes three sessions to pass a bill. We will continue our work to refine and promote these proposals, and educate the public on gun safety.

TGS brought safe storage bill ideas to legislators this session, and three were filed. **HB 111** by **Rep. Joe Moody** would have created a safe storage campaign while also reducing the license to carry fee for applicants who provided proof that they had purchased a secure storage device for their firearms. TGS also worked with **Rep. Donna Howard** on **HB 631**, which would have created a public safety awareness campaign for firearms safety. Though many organizations testified in support of this public education effort, the bill was left pending in committee. In the Senate, TGS worked to get **SB 1960**, by **Sen. Eddie Lucio** filed, which would have created a task force to address gun safety issues. The bill did not receive a hearing.

The suicide rate by firearm is higher in Texas than nationally. TGS tried to address this by working on **HB 3340** by **Rep. Senfronia Thompson** and **SB 1778** by **Sen. Sylvia Garcia**. Both bills would have required the Texas Department of Public Safety and Health and Human Services Commission to post information about suicide prevention and the importance of safe gun storage on their websites. HB 3340 received a great deal of support in the hearing, but the bill was left pending and did not receive a vote.

HB 866 by **Rep. Joe Moody** and **SB 434** by **Sen. José Rodríguez** would have given judges the authority to issue a temporary Lethal Violence Protective Order (LVPO) if law enforcement or direct family members could prove with sufficient evidence that an individual is an immediate danger to themselves or others.

Anyone subject to a LVPO would be required to turn over any firearms to law enforcement, and their ability to purchase or possess a firearm would be suspended for a year, or less. TGS asked Rep. Moody to file this bill and the bill was heard in the House Criminal Jurisprudence Committee. TGS will continue to work to get this bill passed in future sessions, as it has already been proven to help save lives in other states.

TGS efforts led to hearings on safe storage and background checks, concepts that had never before been discussed by the Texas Legislature.

Strengthening Enforcement

TGS was proud to be behind the effort to get the first background check bill, we believe, to get a committee hearing in a legislative session. We worked with **Rep. Cesar Blanco on HB 2034**, which would have required background checks for all online sales of firearms. It would have required these private sales to be finalized at federally licensed dealers, which would have addressed the significant problem of gun trafficking via the internet. The bill was heard in the House Homeland Security and Public Safety Committee, but was left pending. TGS will continue to fight for the expansion of background check requirements in future legislative sessions.

We worked with experts on **HB 2655** by **Rep. Poncho Nevarez**, which would have created an offense for anyone who knowingly transfers a firearm to someone a court has found to be incompetent or incapacitated due to mental illness or intellectual disability, and is already prohibited to own a firearm by federal law. HB 2655 was voted out of the Homeland Security and Public Safety Committee, but was never sent to the House floor for a vote. TGS is pleased that this bill received bipartisan support in committee.

Because we know straw purchases -- whereby an individual buys a firearm for another person prohibited from such a purchase -- are a significant problem in Texas, we worked on **HB 4037** with **Rep. Rafael Anchia**. The

bill would have created an offense for such purchases. This type of firearm purchase is one of the main methods criminals use to acquire guns. This was a priority bill for TGS, but it never received a hearing, and neither did the Senate companion, **SB 206** by **Sen. Royce West**.

We asked **Rep. Gina Hinojosa** to file **HB 4200**, known as "lie and try" which would have made it a crime for someone knowingly prohibited from possessing a firearm to attempt to acquire one. Similar legislation has been passed in several states. The bill also would have required that federally licensed dealers who learn that an individual is banned from possessing a firearm when submitting a background check notify the Texas Department of Public Safety. The enactment of a state "lie and try" law would help with enforcement and keep guns out of the wrong hands. TGS testified at the hearing, but the bill did not receive a vote.

Rep. Gina Hinojosa also filed **HB 4061** to address intentional violent deaths in Texas. Though the bill did not receive a hearing, we applaud Rep. Hinojosa for recognizing the need to address the gun violence problem in Texas.

TGS-Supported Bills That Received a Hearing But Did Not Pass

HB 234 (Rep. Rafael Anchia) – Relating to wrongful exclusion of handgun license holders from property owned by or leased to a governmental entity and to certain offenses relating to the carrying of handguns on that property.

HB 255 (Rep. Rafael Anchia) – Prohibits guns at zoos, stadiums, and other sensitive places.

HB 621 (Rep. Jeff Leach) – Relating to requirements for certain applicants to obtain an original, duplicate, modified, or renewed license to carry a handgun.

HB 899 (Rep. Poncho Nevarez) – Reduces signage size requirements for businesses that prohibit guns.

HB 1229 (Rep. Cesar Blanco) – Prohibits firearm sales to those on terror watch list.

HB 2583 (Rep. Armando Martinez) – Prohibits the reckless discharge of a firearm; creating a criminal offense – *(note: Rep. Martinez was agreeable to a gun safety amendment to this bill which did not get voted on by the full House before a key deadline).*

HB 3057 (Rep. Rafael Anchia) – Relating to the offense of possessing a weapon in a secured area of an airport.

HB 3989 (Rep. Eric Johnson) – Relating to the locations where a person may openly carry a holstered handgun.

SB 2054 (Rep. Royce West) – Relating to the offense of possessing a weapon in a secured area of an airport.

Other Bills of Interest

SB 16 by Sen. Robert Nichols was a priority bill by leadership to reduce the license to carry fee from \$140 to \$40. We worked with legislators the year prior to session, and during session to amend this bill to dedicate \$1-\$5 of this revenue to safe storage education in order to address the rising number of gun deaths in Texas. Though the issue of safe storage and the role of the state in accident prevention was acknowledged and discussed, members were unwilling to attach any measure to this top priority bill. TGS will work with state agencies and legislators to try and accomplish this over the interim.

HB 1819 by Rep. Drew Springer ensures that Texas law is aligned with federal law on gun silencers. If federal law changes, Texas law would change with it. The bill passed and becomes law September 1.

HB 3784 by Rep. Justin Holland allows Texans to take the license to carry classroom segment online, rather than in person. The range requirement still exists. This bill goes into effect on September 1.

Safe Storage Budget Rider

Texas Gun Sense worked with **Sen. Joan Huffman** and **Rep. Oscar Longoria** to get budget riders filed that would direct DPS to engage in safe gun storage education efforts. Though these riders did not pass this session, progress has been made by shining the light on the lack of state focus and resources in this area. We are talking with DPS and legislators to continue to advocate for implementation of this program and were pleased that this issue had bipartisan support.

Conclusion

The 85th Legislative Session was the third one for Texas Gun Sense. Though much of our work involved efforts to keep harmful bills from passing, we took significant steps to let the legislature know that Texans want and need sensible gun laws and to advocate for solutions to the gun violence problem in Texas.

Now, more than ever, gun violence prevention advocates are needed to keep the momentum going and stand up for public safety. Texas Gun Sense will continue to reach out to all stakeholders and both Republicans and Democrats to explore solutions. We will move forward with research, bring people together through the Coalition to Reduce Gun Violence, and keep supporters informed as we continue work to protect Texans.

Texas Gun Sense is a statewide nonprofit and nonpartisan organization advocating for common sense, evidence-based policies to reduce gun injuries and deaths.