



**TO:** Texas Governor Greg Abbott  
**FROM:** Giffords & Giffords Law Center to Prevent Gun Violence  
**DATE:** May 22, 2018  
**RE:** Policy Recommendations to Address Gun Violence in Texas

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Gun violence has an enormous and devastating impact in the state of Texas. From 2014 to 2016, at least [3,297 Texans](#) were murdered with a gun, including more than 400 children and teens. Thousands more lost their lives in [preventable](#) gun suicides or accidents and [thousands](#) more survived life-altering gunshot wounds. Texas has also experienced a sharp increase in violence in recent years—according to CDC data, the state’s gun murder rate spiked by 23% between 2014 and 2016 alone.

Within the last seven months, Texas has also suffered some of the deadliest mass shooting incidents in modern U.S. history, including last week’s attack at Santa Fe High School that left 10 students and teachers dead and 13 more injured. This tragedy follows the November 2017 attack on a small church in Sutherland Springs that left 25 killed and 20 others injured. Across the state, other communities have experienced a similarly devastating toll: lives lost, families grieving, generational trauma, and hundreds of millions of dollars in law enforcement, healthcare, and economic costs per year.

This violence is not inevitable. There are effective policy solutions to this problem and they are entirely consistent with Second Amendment rights. No other developed nation on earth endures routine mass shootings and epidemic levels of gun violence inflicted on their residents. That’s not because other nations systematically arm their educators or flood more guns into their streets. It’s because we make it so stunningly easy for dangerous people to acquire and use deadly firearms. As Giffords Law Center’s annual [Gun Law Scorecard](#) shows, those states that have passed evidence-based gun safety reforms have by far the lowest rates of gun death and injury and robust levels of firearm sales and ownership.

This policy memo outlines eight policies that Governor Abbott and the Texas Legislature can take to meaningfully improve safety for all Texans, including students. These young people deserve to feel safe from violence both in their schools and the communities they return home to each day.

Our recommendations include the following:

1. **Universal background checks** – A [universal background check law](#) would require people to pass an instant background check in order to acquire ownership of a firearm from any seller, unless they are receiving the gun as a gift from a close family member.

Texans have been rightly outraged by the fact that the Air Force failed to report domestic violence records to the National Instant Criminal Background Check System (NICS) that prohibited the Sutherland Springs shooter from accessing firearms. However, a major loophole in Texas law today allows domestic abusers and other dangerous individuals to purchase firearms without a

background check, no questions asked. If the Sutherland Springs shooter had failed a background check, he could have simply gone online to find another seller listing firearms for sale. This gaping loophole in Texas' gun laws fuels gun violence in the state. A resounding [97%](#) of Americans support closing this loophole, which would make it much harder for dangerous people to acquire deadly weapons. In states that require background checks at least for all handgun sales, [47% fewer women are shot to death by their intimate partners, there are 53% fewer firearm suicides, and 53% fewer law enforcement officers are shot to death](#) by handguns.

2. **Extreme Risk Protection Order laws** -- Extreme Risk Protection Order laws ([ERPOs](#)) give family members and law enforcement officers the ability to petition a court to temporarily limit a person's access to firearms who poses an extreme danger to themselves or others. If the judge concludes that the person poses an extreme risk of violence, the judge may issue a civil court order temporarily suspending the dangerous person's access to guns.

This law is necessary because people who are known to be dangerous and unstable are still generally able to purchase a gun in Texas unless they fall within certain narrow categories (such as individuals who have been involuntarily committed to a psychiatric facility). But countless shootings have demonstrated that people who do not fall within these categories can still pose significant threats to themselves and public safety. In many cases, people close to a mass shooter had observed clear warning signs of violence but were unable to act to keep him from accessing weapons. This was the case with the shooter who perpetrated the school shooting in Parkland, Florida, who had been the subject of dozens of 911 calls to local law enforcement and two tips to the FBI.

Since the Parkland school shooting just three months ago, three Republican Governors have signed ERPO legislation into law. This process has already been used in these states to [prevent school shootings](#) and other tragedies and should be part of any concerted effort to reduce the incidence of mass shootings, suicides, and other gun violence in Texas.

3. **Responsible firearm storage** – [Child access prevention laws](#) hold adults accountable for recklessly failing to secure their firearms from children. One study found that over [two-thirds](#) of students who used guns to commit "targeted violence" against their school acquired the gun used in their attacks from their own home or that of a relative. [Another study](#) showed that 73% of children aged nine and under reported knowing the location of their parents' firearms and 36% admitted that they had handled the weapons, including many whose parents falsely believed their children did not know the location of their firearm.

Texas has a [limited child access prevention law](#) on the books but it only applies to adults who leave loaded firearms accessible to unsupervised minors aged 16 and under. Texas should strengthen this law to at least apply to minors under 18 and to cases where an adult leaves unloaded firearms and ammunition accessible to the minor. Texas should also require people who reside with adults who are legally prohibited from accessing guns, such as those with a violent criminal history, to securely lock up their firearms when they are not in use.

4. **Ensuring criminal offenders and domestic abusers relinquish illegal guns** – While strong background laws help to prevent dangerous people from purchasing firearms, firearm relinquishment laws are needed to prevent people from keeping the firearms they already own after they fall into a prohibited category, such as when a gun owner is convicted of domestic

violence. Texas prohibits certain criminal offenders and domestic abusers from accessing guns but [does little](#) to ensure these people actually follow the law and relinquish any weapons they have in their possession. A 2016 [report](#) by Giffords Law Center to Prevent Gun Violence revealed that states like Texas typically rely on the honor system, trusting violent offenders and abusers to voluntarily give up their weapons.

A small number of states have enacted effective relinquishment laws to disarm domestic abusers and other dangerous people by requiring these individuals to provide proof to the courts that they sold or transferred their guns after they became prohibited from firearm possessing them. The strongest of these laws are mandatory for all prohibited individuals, provide clear guidance about how to relinquish firearms, expressly require proof of compliance, and require further enforcement action if the prohibited person fails to relinquish his or her firearms in a timely manner.

5. **Give law enforcement tools to curb the flow of illegal guns** – Texas has very weak laws against [firearm trafficking](#). As a result, the state is a magnet for gun traffickers funneling firearms to states with stronger gun laws or for people funneling weapons to Mexico’s violent cartels. To help law enforcement curb the flow of illegal guns on the black market, Texas should:
  - a. Make it a crime to provide false material information in connection with a firearms transfer;
  - b. Prohibit individuals from purchasing guns on behalf of a prohibited person;
  - c. Prohibit gun sellers from selling or transferring firearms to any person with reasonable cause to believe that the person acquiring the firearm is a prohibited person or straw purchaser;
  - d. Adopt reasonable limits on the number of firearms that a buyer can purchase at one time; and
  - e. Require people to responsibly notify local law enforcement if their firearm has been lost or stolen.
  
6. **Invest in effective violence prevention programs** – Gun violence in Texas is disproportionately concentrated in underserved city neighborhoods where chronic cycles of street violence and retaliation endanger whole communities. In these neighborhoods, the vast majority of shootings occur within a [small subset](#) of groups or individuals—comprising less than 2% of the population—at the highest risk for violence. Among these groups, violence often spreads through networks, and is especially likely in communities where distrust of law enforcement and/or low homicide clearance rates encourage victims of violence and to take justice into their own hands.

Giffords Law Center released a comprehensive [report](#) detailing how three states have achieved large and sustained reductions in gun murder rates by pairing gun safety reforms with strong and stable investments in prevention-oriented violence reduction initiatives. These evidence-based strategies—such as hospital-based violence intervention programs (HVIPs), public health-based street outreach programs, and group violence intervention strategies—have been remarkably effective at reducing community violence without contributing to mass incarceration. As a result, they are also highly cost-effective: researchers have [estimated](#) that taxpayers save up to \$7.35 for every \$1 invested in these violence prevention programs.

Despite their demonstrated effectiveness, however, violence prevention programs are chronically underfunded and underutilized in Texas. To meaningfully reduce rates of street violence in Texas' cities, Governor Abbott should direct the Criminal Justice Division to develop a plan to award federal Victims of Crime Act assistance grant funds to trauma centers and nonprofit organizations to implement or expand hospital-based violence intervention programs (HVIPs) in Texas' trauma centers, and to support other programs that serve violently injured crime victims at high risk for reinjury or retaliation. Governor Abbott should also direct the Criminal Justice Division to develop a plan to use discretionary criminal justice funding to create a competitive grant program for cities and community-based organizations to implement prevention-oriented violence reduction initiatives that focus on high-risk individuals.

This May, Pennsylvania Governor Tom Wolf took similar steps by [executive action](#) to ensure victim assistance and criminal justice funding was invested in violence prevention programs. In April, Maryland's Republican Governor Larry Hogan, also created a similar violence prevention grant program by signing [legislation](#) that will provide \$10 million in state funds next year for implementation of public health-based violence prevention efforts in that state. Governor Abbott should build on their models and promote implementation of proven violence prevention programs in Texas.

7. **Strengthen qualifications for assault weapons** – Assault weapons have become the weapon of choice for mass shooters because of their capacity to inflict mass casualties in a short period of time, even when compared with other modern firearms. To minimize the risk that these weapons will end up in the hands of the next mass shooter, Texas should, at the very least, strengthen its qualifications for assault weapon purchases by requiring civilians to be 21 years of age or older and complete a background check and waiting period in order to acquire them. Texas should also consider stronger qualifications that would, for instance, require assault weapon buyers to complete firearm safety training, obtain a license, and record ownership of their weapon with law enforcement.
8. **Allow for local governments to enact local gun laws fitting the needs of their communities** – [Texas law](#) prevents cities and counties in the state from enacting nearly any kind of gun safety measure at the local level. This preemption law stifles local innovation and ensures that residents of a city's densest and most crime-ridden neighborhoods are subject to the same rules (or lack thereof) as those of Texas' safest rural communities. Local leaders should have more authority to enact gun safety measures tailored to the needs of their own communities.

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[Giffords](#) is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.

For nearly 25 years, the legal experts at [Giffords Law Center to Prevent Gun Violence](#) have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.