



TO: Texas Governor Greg Abbott
FROM: Giffords & Giffords Law Center to Prevent Gun Violence
DATE: Sunday, August 4, 2019
RE: Policy Recommendations to Address Gun Violence in Texas

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 past two years, Texas has also suffered some of the deadliest mass shooting incidents in modern U.S. history, including the tragic shooting in El Paso this weekend where 20 people were killed and 26 wounded in a mass shooting at a Walmart, and last year’s attack at Santa Fe High School that left 10 students and teachers dead and 13 more injured. These tragedies follow 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 policies that Governor Abbott and the Texas Legislature can take to meaningfully improve safety for all Texans. Texans deserve to feel safe from violence in the communities they live in every single 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.

Seventeen states and the District of Columbia have passed an Extreme Risk law. Since the Parkland school shooting, five 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. **Ensuring convicted hate crime offenders relinquish guns** – Violent extremists and hate groups often use firearms as tools of violence and intimidation. Recent mass shootings at a gay nightclub in Orlando, Florida, an historic African-American church in Charleston, South Carolina, and a Sikh temple in Oak Creek, Wisconsin, were among the deadliest hate crimes ever committed in the United States, and among the deadliest mass shootings in our nation's history. And the disturbing scenes we saw play out in the streets of Charlottesville in the summer of 2017 serve as yet another reminder of the hate that plagues our communities. But we know that these are just some of the most visible examples of a large and growing threat, as hate-fueled violence is on the rise across the country. In too many cases, the presence of a firearm turns ugly threats into deadly assaults. And yet, in most states, people convicted of violent hate crimes could currently pass a background check to acquire a gun. That must change.
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. **Strengthen qualifications for assault weapons and ban large capacity ammunition magazines** – 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. Large capacity ammunition magazines, some of which can hold up to 100 rounds of ammunition, significantly increase a shooter's ability to injure and kill large numbers of people quickly because they enable the individual to fire repeatedly without needing to reload. They are frequently used in mass shootings. Nine states and DC have enacted bans on large capacity ammunition magazines. Texas should prohibit magazines with the capacity to hold more than 10 rounds of ammunition.

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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.