

GUN LAWS AND VIOLENCE IN THE STATE OF TEXAS



WHAT WE'VE LOST: HOW GUN VIOLENCE IMPACTS TEXAS

DISARMING HATE: COMBATTING HATE-FUELED VIOLENCE IN TEXAS AND ACROSS THE COUNTRY

WEAK AND RECKLESS: HOW TEXAS'S GUN LAWS ENDANGER FAMILIES

BUILDING A SAFER FUTURE: A PLAN TO PROTECT TEXAS FAMILIES FROM GUN VIOLENCE



WHAT WE'VE LOST HOW GUN VIOLENCE IMPACTS TEXAS

Someone is killed with a gun every three hours in Texas. Eight times every day across the state, a gun is fired and the life of someone's daughter, cousin, best friend, or husband is cut short. This should not be a normal day in Texas, or anywhere else in our country. It's time to accept that something needs to change.

We know the problem: Texas's weak gun laws allow dangerous individuals to easily acquire deadly weapons, including weapons of war. This report will provide an overview of the devastating impact that gun violence has on the people of Texas, and outline policy recommendations to save more lives.

From 2007 to 2017 (the most recent year for which CDC data is available), at least 11,120 Texans were killed in gun homicides, including nearly 1,450 children and teens. Over twenty thousand more Texans lost their lives in preventable gun suicides or accidents, and many times that number survived devastating, life-altering gunshot wounds.

This crisis is getting worse. The state has experienced a sharp increase in murder and violence in recent years, an increase that is due almost exclusively to fatal gunshots. According to CDC data, the state's gun murder rate has increased every year since 2014, and spiked by 23% between 2014 and 2016 alone. By comparison, the rate of non-gun homicides in Texas increased by just 1% over this period and in 2017, actually fell below 2014 levels. It's clear that guns are driving this recent spike in violence.





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GUNS ARE ALSO FUELING RECENT INCREASES IN SUICIDE IN TEXAS. From 2014 to

2017, Texas's gun suicide rate increased 2.5 times more than its non-gun suicide rate. Public health <u>research</u> tells us that suicide attempts involving firearms are over 40 times more lethal than those involving the other most commonly used methods, and that most people who attempt suicide survive the attempt—unless they use a firearm. Texans are more likely to use firearms in suicide attempts compared to the national average—in 2017, nearly 60% of people who died by suicide in Texas took their life with a firearm—and more likely to die by firearm suicide overall. That is especially true among Texas's teens: in 2017, Texas teens were 21% more likely to die by a self-inflicted gunshot wound than teens nationally.

IN RECENT YEARS, COMMUNITIES IN TEXAS HAVE ALSO SUFFERED SOME OF THE DEADLIEST MASS SHOOTING ATTACKS IN MODERN US HISTORY, including the August 2019 attack in El Paso that left 22 people killed and 26 more injured; a May 2018 attack at Santa Fe High School that left 10 students and teachers killed and 13 injured; a November 2017 attack on a small church in Sutherland Springs that left 26 people killed and 20 more injured; a July 2016 attack on law enforcement officers in Dallas that left five people killed and 11 more injured; and an April 2014 attack on Fort Hood that left three people killed and 12 injured. Too many dangerous individuals have been able to get their hands on guns and wreak havoc on a massive scale. The people of Texas deserve better.

WHILE MASS SHOOTINGS DOMINATE THE HEADLINES, EVERY COMMUNITY IN TEXAS HAS EXPERIENCED THE DEVASTATING TOLL OF GUN VIOLENCE. This toll can be measured in lives and loves lost, generational trauma, and an estimated \$16.6 billion dollars in law enforcement, healthcare, and economic costs per year. Young people of color suffer an enormously unequal share of these harms. Nationally, the mother of a young black man or boy between the ages of 15 and 24 is as likely to lose her son to violence as to every other cause of death—illness, accident, suicide, overdose, and injury—combined. In Texas, nearly three-quarters of people murdered with a gun, including nearly three-quarters of children murdered with a gun, are black or Hispanic.





BLACK OR HISPANIC



WEAK GUN LAWS ALSO MAKE TEXANS UNIQUELY VULNERABLE TO DOMESTIC

VIOLENCE. When it comes to non-gun homicides, women in Texas face the exact same murder rate as women nationally. But women in Texas are 24% more likely to be murdered with a gun than women in other states, making them substantially more likely to be murdered overall. Texas's uniquely weak gun laws allow many violent domestic abusers to keep their deadly weapons.

FINALLY, WEAK GUN LAWS IN TEXAS HAVE MADE THE STATE A LEADING SOURCE OF GUNS TRAFFICKED INTO OTHER STATES AND INTO MEXICO. For all

the media coverage of border security and migrants fleeing violence, relatively little attention has been paid to the fact that guns purchased in states with weak gun laws —especially Texas—are <u>fueling</u> deadly violence and <u>record murder rates</u> in Mexico and Central America, and playing a significant role in driving people to flee their homes in those nations.

THIS VIOLENCE IS NOT INEVITABLE

A 2016 GAO **REPORT** ON GUN TRAFFICKING INDICATED THAT AT LEAST 70% OF CRIME GUNS RECOVERED AND TRACED BY LAW ENFORCEMENT IN MEXICO WERE

TRACED TO GUN SELLERS IN THE US, and that among the 50 states, Texas was by far the leading source of weapons trafficked into Mexico—more than nearly every other state combined. The report noted that "the firearms of choice for drug traffickers are high caliber assault rifles," which are legal in Texas but not the other major border crossing state, California. This helps to explain why researchers have found increased rates of violence and crimes using assault weapons in areas of Mexico near its border with Texas, but not areas of Mexico near California, where assault weapons are prohibited under state law.

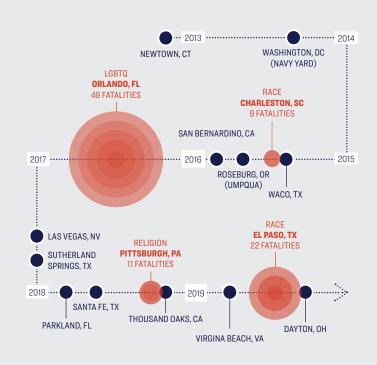


No other developed nation on earth endures routine mass shootings and epidemic levels of gun violence. This isn't because other nations systematically arm their citizens at higher rates. It's because we, as a nation, make it so stunningly easy for dangerous people to get their hands on guns. Even international terrorist organizations have taken note: ISIS published materials in recent years encouraging violent extremists to "take advantage" of America's weak gun laws to perpetrate mass shootings on our soil. And the Director of the US National Counterterrorism Center warned that weak gun laws in many states were "undermining efforts to protect the country from mass-casualty attacks."

Weak gun laws also make Texans vulnerable to violent hate crimes and domestic terrorism. Nationally, Americans suffer 10,000 hate crimes involving the use or threatened use of firearms every year. And in recent years, this problem has grown much worse: the number of active hate groups in the US has substantially increased, as have reported hate crime incidents against black, Hispanic, Muslim, Jewish, and LGBTQ Americans. Texas's uniquely weak gun laws allow many people convicted of violent hate crimes and threats to continue to access guns immediately after conviction.

VIOLENT BIGOTRY SPURS MASS CASUALTIES

Hate and bigotry have motivated some of the deadliest mass shootings in our nation's history.





DISARMING HATE

COMBATTING HATE-FUELED VIOLENCE IN TEXAS AND ACROSS THE COUNTRY

Hate-fueled violence is on the rise, threatening peace and security in Texas and around the country. Bigoted ideologies run rampant through dark corners of the internet, breeding hate and inciting violence. The devastating mass shooting in El Paso in August 2019—the deadliest targeted attack against Latinos in recent American history—is a tragic reminder of how deadly armed hate can be.

Violent extremists and hate groups often use firearms as tools of violence and intimidation. In addition to the shooting in El Paso, recent mass shootings at a gay nightclub in Orlando, a historic African-American church in Charleston, a Sikh temple in Oak Creek, Wisconsin, and a synagogue in Pittsburgh were among the deadliest hate crimes ever committed in the United States, and among the deadliest mass shootings in our nation's history.

Disturbing events like those that played out on the streets of Charlottesville in 2017 have occurred alongside deadly firearm attacks and plots across the nation. These are just some of the most visible examples of a large and growing threat, as hate-fueled violence is on the rise nationwide and throughout the world.

In too many cases, the presence of a firearm turns bigoted threats into deadly assaults. And yet, in most states, most people who have been convicted of violent hate crimes would currently pass a background check to acquire a weapon designed to take human life. That must change.





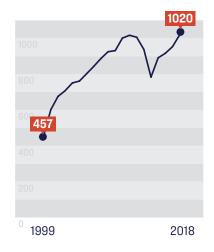


HATE-FUELED VIOLENCE IS A GROWING PROBLEM.

From 2006–2015, Americans suffered more than 10,000 violent hate crime attacks every year involving the use or threatened use of firearms. The majority of these attacks were motivated by bigotry on the basis of race or ethnicity. Data also suggests that hate crimes against LGBTQ individuals are more likely to involve weapons, especially hate crimes targeting gay men and transgender women.

Recent trends are even more alarming. Since 2015, hate crime incidents across the US have become substantially more numerous and more violent; police departments in numerous major cities have reported significant spikes in hate crimes. And the Southern Poverty Law Center reported that the number of active hate groups reached a record high in 2018. Rising hate crime rates have been driven largely by rising rates of violent hate, and data shows that these increases have negatively affected impacted marginalized groups across the country.

ACTIVE HATE GROUPS IN THE US



- From 2016 to 2017, there was a 16% increase in hate crimes against black Americans and a 24% increase in hate crimes against Hispanic and Latino Americans.
- The number of anti-Muslim hate groups tripled from 2015 to 2018. This increase coincided with elevated rates of hate crimes and bias incidents targeting the US Muslim community, including a 77% increase in hate crimes from 2014 to 2017.
- ◆ The Anti-Defamation League has noted that anti-Semitic incidents increased by 57% from 2016 to 2017. And in 2017, for the first time since at least 2010, an anti-Semitic incident occurred in every US state. The Anti-Defamation League has also reported a "significant, sustained increase in anti-Semitic activity since the start of 2016."
- The National Coalition of Anti-Violence Programs
 reported that 2017 saw the highest ever number of LGBTQ homicides, mostly with guns. Transgender individuals, particularly transgender women of color, are disproportionately killed in these attacks.



WE NEED TO KEEP GUNS OUT OF THE HANDS OF VIOLENT HATE CRIME OFFENDERS.

People who have committed a violent crime are much more likely to commit <u>subsequent violent acts</u>. Researchers have found, for instance, that individuals with a prior conviction for a violent misdemeanor are nine times as likely to commit subsequent violent crimes and also nine times as likely to commit subsequent firearm offenses.

People who have committed hate crimes are an even greater risk to public safety. Experts have found that "individuals who commit hate crimes tend to escalate their conduct in order to ensure their message is received by the targeted individual or community... If the original criminal response fails to elicit the desired retreat on the part of the victim, then the offender frequently escalates the level of damage or violence." These patterns underscore the need to ensure that people who have already demonstrated a dangerous propensity to escalate bigotry into criminal violence are prevented from accessing guns.

While most US states (and federal law) prohibit convicted domestic violence misdemeanants from acquiring guns, individuals convicted of violent hate crime misdemeanors remain eligible to keep and purchase guns in the majority of the country. This year, US Senator Bob Casey and Representative David Cicilline re-introduced the Disarm Hate Act, which would prohibit people convicted of a violent hate crime from acquiring or possessing guns.

Violent bigotry has become one of the defining challenges of our era. Attempts to deny the shared humanity of people who live, look, love, and pray differently have brutal consequences for many families and communities across the United States. And weak, irresponsible gun laws help fuel this violence.





WEAK AND RECKLESS HOW TEXAS'S GUN LAWS ENDANGER FAMILIES

We know what laws and policies will solve the gun violence crisis, and courts have demonstrated again and again that these laws are entirely consistent with Second Amendment rights. Gun safety reforms can't stop all shootings and gun tragedy, just as seatbelts, airbags, and drunk driving laws do not prevent all motor vehicle deaths. But they make a lifesaving difference for many.

Every year, Giffords Law Center's policy experts compare, grade, and rank the strength of each state's gun safety laws in our <u>Annual Gun Law Scorecard</u>. As the *Scorecard* consistently shows, states with evidence-based gun laws have far lower rates of gun death and injury. In our latest report, Texas's gun laws ranked worse than 33 other states—two-thirds of the nation—and earned the state a failing grade.





HERE ARE JUST SOME OF THE LARGEST GAPS IN TEXAS'S GUN LAWS:

BACKGROUND CHECKS ARE NOT REQUIRED TO BUY FIREARMS

In Texas, anyone—including a person with an extensive history of violence—can purchase an unlimited arsenal of firearms, including assault weapons, from a stranger on the street, at a gun show, or through an online classified ad without passing a background check.

TEXANS CANNOT OBTAIN EXTREME RISK PROTECTION ORDERS

In seventeen states and Washington DC, extreme risk laws empower family members and/or law enforcement officers to temporarily disarm people who pose a demonstrated risk to themselves or others. Texas has no extreme risk law in place. People known to be dangerous or unstable are generally legally able to buy a gun in Texas unless they are subject to a domestic violence restraining order, have been convicted of a serious crime, committed to a psychiatric facility, or deemed mentally incapacitated by the courts. Countless shootings have demonstrated that people who do not fall within these narrow categories can still pose significant threats to themselves and others.

An <u>FBI study</u> of the pre-attack behaviors of active shooters found that the average shooter displayed four to five observable and concerning behaviors before their attacks. In states without extreme risk protection order laws, those who observe those warning signs have no clear path to action. The shooter who perpetrated the February 14, 2018 school shooting in Parkland, Florida, was prohibited from carrying a backpack on school grounds for fear that he might be concealing guns. He had also been the subject of dozens of 911 calls to local law enforcement and two tips to the FBI. At the time, Florida law enforcement had no means of preventing him from accessing guns. In the period following the Parkland massacre, Florida and twelve additional states passed an extreme risk law.

VIOLENT DOMESTIC ABUSERS CAN BUY AND KEEP GUNS

Texas law allows many domestic abusers to keep and buy guns after they have been convicted of serious and even life-threatening crimes. The following individuals can legally purchase guns under Texas law:

- An abuser convicted of violently assaulting and injuring his girlfriend, as long as he never married, lived with, or fathered a child with his victim
- An abuser convicted of threatening to shoot his wife or child, as long as he didn't actually use or exhibit a firearm when threatening them
- An abuser convicted of the most serious domestic assault felonies, as long as the abuser has been out of jail for five or more years

Those abusers who are prohibited from possessing guns are not required to provide any proof that they followed the law and got rid of their guns—Texas's law essentially relies on the honor system to disarm criminally violent abusers and other prohibited people.



VIOLENT HATE CRIME OFFENDERS CAN BUY AND KEEP GUNS

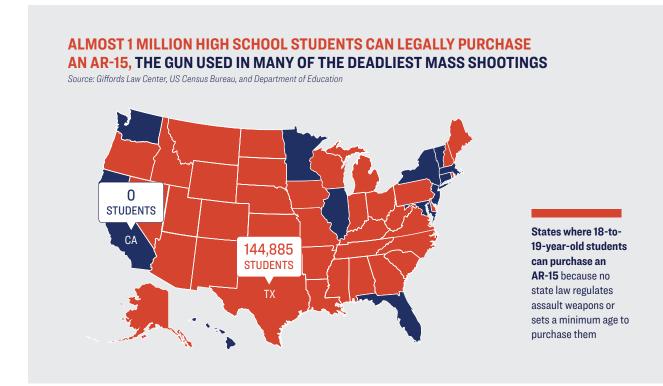
Under Texas law, people convicted of violent hate crime assaults and hate crimes involving "terroristic threats" of violence are generally able to legally buy and keep guns, including assault weapons, immediately after conviction.

DANGEROUS MILITARY-STYLE WEAPONS ARE EASILY ACCESSIBLE

Texas law places no restrictions on the sale of military-style weaponry—including assault weapons, large-capacity magazines, fifty-caliber rifles, and bump stocks—that enable gunmen to maximize casualties. In Texas, dangerous individuals can acquire weapons equipped with features designed to allow battlefield combatants to fire at human targets as quickly and efficiently as possible without passing a background check.

MINORS AND STUDENTS OFTEN HAVE UNSUPERVISED ACCESS TO GUNS

Texas law authorizes young people to purchase firearms, including assault weapons, without any training or gun safety knowledge as soon as they turn 18—a full three years before they can buy a beer. Texas's child access prevention law also generally permits adults to knowingly leave loaded weapons accessible to unsupervised teenagers over the age of 16 and to leave unloaded weapons accessible to an unsupervised child of any age. These laws make it much easier for a student to acquire and use a firearm to shoot others or themselves.





TEXAS HAS FEW LAWS TO COMBAT GUN TRAFFICKING

Among the 50 states, Texas trafficks the second largest volume of firearms into <u>other states</u> as traced by the ATF and is the leading supplier of crime guns to <u>Mexico</u> because of its weak gun trafficking laws. For instance:

- Texas law generally does not prohibit a straw purchaser from acquiring a firearm on behalf of a person who could not legally buy a gun themselves.
- Texas generally does not prohibit sellers from delivering guns to people they know or reasonably should know are involved in gun trafficking.
- Texas does not make it unlawful to sell an assault rifle to someone the seller knows to be prohibited from accessing guns by a domestic violence restraining order or criminal conviction.
- Texas places no additional requirements or protections on bulk sales, even those involving hundreds of firearms.
- ♦ While Texas requires barbers and cosmetologists to complete hundreds of hours of training, obtain an occupational license, and register with the state, businesses dealing in commercial quantities of deadly weapons are not required to obtain a business license, permit, or training.
- Texas has no law requiring sellers to conduct a background check, verify buyers' ID, or make any record of their gun sales whatsoever.

TEXAS HAS FAILED TO INVEST IN COMMUNITY VIOLENCE INTERVENTION PROGRAMS

Interpersonal 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 far less than 1% of the population—at the highest risk for violence. Among these groups, violence often spreads through social networks in a manner similar to contagious diseases. This is especially likely in communities where distrust of law enforcement and/or low homicide arrest rates encourage victims of violence and their social networks to take justice into their own hands.









The states that have achieved the most significant reductions in gun violence in recent years have done so by pairing gun safety reforms with strong investments in targeted community violence intervention initiatives. These initiatives have been remarkably effective at reducing rates of 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, community violence intervention programs are chronically underfunded and underutilized in Texas. In response to recent shootings, Texas's leaders appropriated tens of millions of dollars to "harden" schools and arm teachers, rather than meaningfully investing in programs that could prevent shootings and interrupt cycles of violence flaring just outside the walls of many students' schools.

TEXAS PROHIBITS LOCAL GOVERNMENTS FROM ENACTING GUN SAFETY LAWS

Texas law prevents cities and counties in the state from enacting almost any kind of gun safety measure at the local level. This preemption law stifles local innovation and ensures that residents of communities most impacted by violence are subject to the same rules (or lack thereof) as those of Texas's safest communities.



BUILDING A SAFER FUTURE A PLAN TO PROTECT TEXAS FAMILIES FROM GUN VIOLENCE

The Second Amendment is not under threat, but Americans are—and Texans more than most. While gun laws can't stop every tragedy, Texas's existing laws are barely trying to stop any. The inaction of Texas legislators in the face of tragedy after tragedy has endangered Texan families and led to incalculable hurt, loss, and suffering. It doesn't have to be this way. Even modest, targeted policy reforms would make a lifesaving difference for families across the state.

What follows is an eight-part plan designed to significantly cut gun violence in the state of Texas. The American public overwhelmingly supports the below proposals, none of which would take weapons away from anyone who has not been convicted of a crime or found by a court to be a significant danger to themselves or others. By following the evidence and the data, we can craft lifesaving, responsible gun safety reform for Texas's families.

THESE REFORMS SHOULD INCLUDE THE FOLLOWING:

- 1 Pass universal background checks
- 2 Enact extreme risk protection orders
- Disarm violent domestic abusers, hate crime offenders, and others convicted of violent crimes
- Strengthen protections against militarystyle weapons
- 5 Limit young people's unsupervised access to firearms
- Give law enforcement tools to curb the flow of illegal guns on the black market
- 7 Invest in lifesaving violence intervention programs to break the cycle of violence
- 8 Allow local governments to enact gun laws fitting the needs of their communities



1. PASS UNIVERSAL BACKGROUND CHECKS

Texas should pass a law requiring a background check on every gun sale, unless an individual is receiving the gun as a gift from a close family member. Across the United States, an estimated 22% of gun owners acquired their most recent firearm without a background check—which translates to millions of Americans acquiring millions of guns, no questions asked, each year. A resounding 95% of Americans support closing the background check loophole, which would make it much harder for dangerous people to acquire deadly weapons.

2. ENACT EXTREME RISK PROTECTION ORDERS

Texas should pass an extreme risk law empowering family members, household members, and law enforcement officers to petition a court for an extreme risk order when they observe clear warning signs that an individual poses a risk to themselves or others. If, based on credible sworn evidence, the judge concludes that a person poses an extreme risk of violence, this law would direct the judge to issue a civil (non-criminal) court order temporarily suspending the respondent's access to guns.

It is also critical that judges be authorized to issue extreme risk orders to temporarily disarm dangerous people whether or not they are not found to be severely mentally ill or committable. If a mother provides credible sworn evidence to a judge that her son is a member of a violent hate group and poses an extreme risk for violence, the judge should be authorized to act immediately to protect the public from harm, even if the judge does not have evidence that the hate group member has a diagnosable psychiatric condition.

3. DISARM VIOLENT DOMESTIC ABUSERS. HATE CRIME OFFENDERS. AND OTHERS CONVICTED OF VIOLENT CRIMES

Texas should pass a law to prohibit people convicted of domestic abuse, hate crimes, and other criminal acts involving violence or the use or threatened use of firearms from purchasing guns. Texas should also enact a strong firearm relinquishment law to ensure that people who become prohibited from having weapons follow the law and get rid of their firearms.

4. STRENGTHEN PROTECTIONS AGAINST MILITARY-STYLE WEAPONS

Texas should pass laws placing reasonable limitations on the sale, manufacture, transfer, and possession of military-style weapons. Under current Texas law, 18-year-olds intent on perpetrating mass murder can immediately acquire assault weapons equipped with 30 to 100-round magazines from an unlicensed seller with no background check or waiting period required.

To minimize the risk of these weapons ending up in the hands of a mass shooter, Texas should pass a law placing a reasonable upper limit on the capacity of magazines sold, manufactured, or transferred in the state. Texas should also 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 to acquire them.

5. LIMIT YOUNG PEOPLE'S UNSUPERVISED ACCESS TO FIREARMS

Most school shooters are current or former students at the school they target, and most use firearms they obtained from a family member or neighbor or purchased themselves. Texas should do everything it can to protect our children by passing a law to prevent minors under the age of 21 from purchasing guns, particularly semi-automatic firearms and concealable handguns. Texas should also strengthen its child access prevention law to hold adults accountable for failing to secure loaded or unloaded firearms from unsupervised minors under the age of 18.



6. GIVE LAW ENFORCEMENT TOOLS TO CURB THE FLOW OF ILLEGAL GUNS ON THE BLACK MARKET

Texas should comprehensively strengthen its anti-trafficking laws by doing the following:

- Making it a crime to provide false information in connection with a firearms transfer
- Prohibiting individuals from making straw purchases on behalf of another person
- Prohibiting individuals from selling or transferring firearms to another person if they have reasonable cause to believe that the person acquiring the firearm is a prohibited person or a straw purchaser
- Requiring individuals selling guns to verify a buyer's identification, and requiring both parties to comply with federal requirements when transferring guns to people who do not reside in Texas
- Adopting reasonable limits on the number of firearms that a buyer can purchase at one time
- Adopting reasonable safety and security rules for high-volume gun sellers
- Requiring people to responsibly notify local law enforcement if their firearm has been lost or stolen

7. INVEST IN LIFESAVING VIOLENCE INTERVENTION PROGRAMS TO BREAK THE CYCLE OF VIOLENCE

Young people deserve to feel safe from violence not only in their schools, but also in their parks, streets, churches, and communities. And young people of color deserve to live with the same expectation of safety and freedom from fear as their peers.

To interrupt entrenched cycles of shootings, injury, trauma, and retaliation, Texas should pass legislation to create and fund a competitive state grant program for effective violence intervention initiatives. This grant program should provide matching funds for cities and nonprofit community-based organizations that implement effective violence intervention initiatives focused on high-risk individuals in communities most impacted by shootings and violence. Texas should also pass legislation requiring the Criminal Justice Division to direct federal crime victim assistance grants to programs that work to reduce the likelihood that victims will be violently re-injured or perpetrate retaliatory violence themselves.

8. ALLOW LOCAL GOVERNMENTS TO ENACT GUN LAWS FITTING THE NEEDS OF THEIR COMMUNITIES

Texas should pass legislation empowering local city and county leaders to enact gun safety measures tailored to the needs of their individual communities.

Legislators in Texas should take immediate action to protect their constituents from a crisis that shows no signs of stopping. More than 3,000 Texans are killed each year from gun violence, and thousands more are wounded. These deaths, and the ripple effects of trauma that accompany each and every tragic act of gun violence, are not inevitable. The above policy recommendations represent concrete steps Texan legislators can take to address the public health and safety epidemic in their state.

We urge legislators to find the courage to take them.



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For over 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.