

# Gun Laws in Texas

June 8, 2022



## Top Line

1. Gun violence is a major and tragic issue in Texas where over 4,000 people die every year from firearms.
2. Republicans in Texas have loosened gun laws to appease the gun lobby while ignoring Texans' calls for reform.
3. School 'hardening' and mental health policies have failed to solve the issue of gun violence in Texas.
4. There are popular, common sense reforms that will make Texans safer while protecting second amendment rights.

**Texas needs leaders who will pass common sense gun reforms and listen to the people over the gun lobby. These reforms do not violate the second amendment and will make progress in reducing gun deaths in our state.**

## Backup

### **1. Gun violence is a major and tragic issue in Texas where over 4,000 people die every year to firearms.**

- a. Texas Ranked 26<sup>th</sup> in the nation in firearms death rate for 2020 with 14.2 deaths per 100,000 (above the US average of 13.6) while **leading the nation in gun deaths with 4,164.** (Appendix 1)
- b. **Texas has had 247 mass shootings since 2014.** That is more than every state with an assault weapons ban (except California, which has a much larger population). (1)
- c. Texans are not satisfied with Republicans' response to recent mass shootings. A 2021 poll found that **59% of Texans thought that elected officials were not doing enough** to stop mass shootings. (2)

## 2. Republicans in Texas have loosened gun laws to appease the gun lobby while ignoring Texans' calls for reform

- a. In 2018, after a shooting at a school in Santa Fe, a town outside of Houston, Governor Abbott proposed a red flag law to address gun violence. (3)
- b. In 2019, after the racist shooting in El Paso, Governor Abbott and Lt. Governor Dan Patrick discussed expanding background checks. (3)
- c. **Both of those proposals were quickly abandoned after pressure from gun rights activists.** Instead, in 2021, they passed a law allowing for permitless open carry of handguns, a bill opposed by 57% of Texans but advocated for by the gun lobby. (3,4)
- d. Since 2016, Texas Republicans have allowed for open carry of firearms (a proposal opposed by police organizations), allowed for guns on college campuses and in churches, attempted to circumvent federal gun laws, and in 2021 passed more laws to further expand gun rights and limit restrictions on gun sales. (4)
- e. **Texas has some of the most relaxed gun laws in the country.** Texas has an F rating from the Giffords Law Center and ranks 36<sup>th</sup> in gun safety. (5)
  - *Note: The Giffords Law Center ranks states by gun safety based on their gun laws. Policies like universal background checks move states up and policies like permitless open carry move states down, as in the case of Texas.*

## 3. School 'hardening' and mental health policies have failed to solve the issue of gun violence.

- a. Researchers reviewed studies on gun violence and school hardening policies from 2000 to 2018 and **"failed to find any programs or practices with evidence indicating that they reduced such firearm violence."** (6)
  - i. A common proposal is to arm teachers and have armed police officers in schools. The authors cite a case from Kentucky where a student killed 2 of his classmates and injured 14 more with a semi-automatic pistol within 10 seconds. Unless there happened to be an armed staff member in that exact place, arming staff would not have stopped him.
- b. Officials in Texas have promoted school hardening policies in response to school shootings in the state. The Uvalde shooting highlights how laws passed by Texas Republicans have failed to stop gun violence in our schools. (7)

- i. A recent audit found that **only 200 out of 1022** school districts in Texas had viable active shooter plans, despite state law requiring them and 939 districts reporting having one.
  - ii. In 2019, Texas lawmakers made it easier to have armed staff in schools, but only 6% of districts have chosen to enroll in the program. **Parents and students, especially students of color who are disciplined at higher rates, have said that these policies make them feel unsafe.**
  - iii. Texas Republicans have touted the 2019 school safety law in response to the Uvalde shooting. This law allocates \$100 million every two years for school security. **Experts say this falls short** of the amount needed for schools to implement the policies officials recommend.
    - For example, one school district estimated installing two security vestibules, a type of secure entrance, at one middle school would cost \$345,000. Under that estimate, **the law would cover the costs of implementing these entrances at just 290 of Texas' 9000+ public school campuses.**
    - The bill appropriates less than \$10 per student, and school districts around the size of Uvalde have received roughly \$70,000 for security improvements.
  - iv. The Uvalde school district had already implemented several of the policies from the 2019 bill including exterior fencing, hiring four district police officers, and instituting a policy that all classroom doors remain locked during the day. Despite these measures, a single 18-year-old was able to kill 21 people.
  - v. Texas Republicans claim they have improved school security with these laws. However, they are surface level policies which have not improved safety or prevented mass shootings.
- c. Governor Abbott signed a law in 2019 in response to the Santa Fe high school shooting to boost mental health resources for schools and created a consortium to bring together mental health experts. (3) Mental health is certainly a serious issue, but the multiple mass shootings since that bill was passed show that mental health resources alone are clearly insufficient to solve the problem.

#### 4. There are popular, common sense reforms that will make our communities safer while protecting second amendment rights.

##### a. Expand background checks to keep guns out of the wrong hands

- i. The Brady Bill (named for Jim Brady, who was permanently disabled by gun violence during an assassination attempt on Ronald Reagan in 1981) was signed into law by President Clinton in 1993. (8)
  - The Brady Bill put in place criminal background checks at federally licensed dealers designed to prevent dangerous people from purchasing guns.
  - Background checks work. Since 1994, background checks have **blocked approximately 4 million purchases to prohibited purchasers in the US**, including felons, domestic abusers, and other dangerous individuals.

- ii. However, about **1 in 5 gun purchases are not subjected to background checks**. (8) According to the Brady campaign, over 42,000 firearms have been sold to prohibited buyers – people who should not have access to a gun, but were able to buy one because of gaps in background checks.

*(Note: most sales without background checks are not from gun shows, so the term “gun show loophole” is not accurate. Sales without background checks can occur between individuals, where the seller is not federally licensed, and over the internet. A better term is “comprehensive background checks” or “universal background checks”).*

- iii. **Background checks can help to reduce gun violence.** This is often hard to measure, because most existing background check laws have significant loopholes, and because people can often go to another state to buy a gun if their state makes it difficult. As a result, not all research to date shows that background checks directly reduce gun violence. But there is strong reason to believe that comprehensive nationwide background checks are an important step in reducing gun violence.
- iv. An extensive analysis from the UC Davis School of Medicine (9) found:
  1. Identifying prohibited persons through background checks and denying their firearm acquisitions has been shown to reduce their

risk of committing new firearm-related or violent crimes by approximately 25%.

2. Comprehensive background check policies have been shown to disrupt firearm trafficking and to yield more accurate, up-to-date firearm tracing information for law enforcement.
- v. Researchers have found that state-level laws have made a difference (10):
  - A Connecticut law requiring background checks was associated with a 40% reduction in gun homicides between 1996 and 2005.
  - Missouri’s 2007 repeal of its handgun license law was associated with about a 23% increase in its firearm homicide rates.
- vi. Background checks are popular in Texas. Polls have consistently found that **more than 70%** of Texans support universal background checks. (4)

#### **b. Implement an “Extreme Risk” order (aka “Red Flag Law”)**

- i. Extreme risk orders, also known as Red Flag Laws, allow police or family members to request that a judge temporarily remove guns from a person who may be a danger to others or themselves
- ii. **Extreme risk orders can help to reduce gun violence.** A study by NYU found that these laws can have a positive effect. The lead author stated “Research shows that prior to an attempted suicide or homicide, there are warning signs that a shooter intends to act. Removing firearms during crisis situations allows for mental health intervention or law enforcement investigation and can prevent tragedies from occurring.” (11)
- iii. Some who oppose these laws claim they are unconstitutional. However, there are many precedents for laws to protect people, with appropriate due process. For example, red flag laws are similar to other civil laws that protect people from harming themselves or others, including laws for involuntary commitment and removing children from unfit parents. (11)
- iv. The US Department of Justice has developed model legislation for extreme risk orders, to make it easier for states to develop and implement these important protections. (12)

- v. **68% of Texans strongly or somewhat support** laws to remove guns from people deemed a danger to themselves or others. (13)
- vi. **Gun owners across the country support red flag laws and universal background checks.** Polling has found that 86% of gun owners support background checks and 67% support red flag laws. That includes NRA members, 80% of whom support background checks. (14)

### c. Ban the sale of assault weapons and high-capacity magazines

- i. The Brady Campaign defines assault weapons and high-capacity magazines as (15):
  - An “assault weapon” refers to a semi-automatic gun designed for military use and quick, efficient killing. Assault weapons are uniquely lethal because of their rapid rate of fire and high muzzle velocity — coupled with high-capacity magazines, which attach to an assault weapon to allow dozens of gunshots without needing to reload.
  - A high-capacity magazine is typically defined as any magazine or drum that is capable of holding more than either 10 or 15 rounds of ammunition.
- ii. Because of their increased lethality, assault weapons and high-capacity magazines are often used in mass shootings.
  - The Brady Campaign points out that 155% more people are shot when an assault weapon or high-capacity magazine is used in a shooting. (15)
  - The Giffords Law Center states “**large capacity magazines have been used in all ten of the deadliest mass shootings in the last decade.** Large capacity magazines 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.” (16)
- iii. The US had a Federal Assault Weapons ban from 1994 to 2004.
  - Many studies have examined the law’s effect. Many find little results on overall gun violence – possible reasons include the fact that there were so many assault weapons already in circulation,

and that assault weapons account for a small percentage of gun deaths.

- However, an analysis of mass shootings (in which six or more people were shot and killed) found a decrease during the ban, and a significant increase after the ban expired (17):
  - 1984 – 1994 (before the ban): 19 mass shooting incidents
  - 1994 – 2004 (during the ban): 12 incidents
  - 2004 – 2014 (after the ban expired): 34 incidents
  
- iv. Medical and Police organizations support banning assault weapons and high-capacity magazines:
  - The American Academy of Pediatrics position is “Recognizing the deadly consequences of firearms to children, adolescents, and young adults, the AAP supports firearm regulation, including a ban on assault weapons and high-capacity magazine sales, as an effective strategy to reduce firearm-related injuries.” (18)
  - The International Association of Chiefs of Police, which describes itself as the largest organization of police leadership, points out: (19)
    - “Semi-Automatic assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers.
    - **The IACP has been a strong supporter of the assault weapons ban since 1992**, and our membership has approved several reauthorizations of support in the years since.
    - The membership took this action because we, as law enforcement executives, understand that the criminal use of semiautomatic assault weapons pose a grave risk to our officers and the communities they are sworn to protect.”
  
- v. **59% of Texans support banning assault weapons**, with 47% strongly supporting and only 25% strongly opposing. (13)
  
- vi. These bans do not violate the second amendment. (20)
  - The Supreme Court did not strike down the assault weapons ban passed in 1994 despite multiple challenges.

- The Supreme Court has upheld the right to own a handgun in 2008 but has not struck down assault weapons bans passed in New York and Connecticut after that case.

**vii. Since many of the most tragic, highly visible shootings (including Parkland in Florida in 2018, the Buffalo and Uvalde shootings in 2022) involve young shooters and assault-type weapons, restoring the ban on assault-type weapons and high-capacity magazines would make it much harder for these young people to obtain these lethal weapons, and would make shootings less lethal when they occur.**

### More Information

1. “A Public Health Crisis Decades in the Making”, The Education Fund to Stop Gun Violence and the Coalition to Stop Gun Violence, February 2021, <https://efsgv.org/wp-content/uploads/2019CDCdata.pdf>
2. Organizations working to reduce gun violence. These organizations provide extensive analysis and propose solutions to gun violence:
  - a. Everytown for Gun Safety - <https://www.everytown.org/>
  - b. John Hopkins Center for Gun Violence Solutions, <https://publichealth.jhu.edu/departments/health-policy-and-management/research-and-practice/center-for-gun-violence-solutions>
  - c. Brady United – propose a comprehensive plan to reduce gun violence - <https://www.bradyunited.org/the-brady-plan>
  - d. Gifford Law Center, <https://giffords.org/lawcenter/gun-laws/states/texas/>

### Sources

1. Gun Violence Archive, TX Stats, <https://www.gunviolencearchive.org/congress/tx>
2. Dallas Morning News-UT Tyler, Survey of Texas Registered Voters, April 6-13, 2021, <https://www.uttyler.edu/politicalscience/files/dmn-uttylerapril2021rv.pdf>
3. Texas Tribune, Confronted with mass shootings, Texas Republicans have repeatedly loosened gun laws, May 24, 2022, <https://www.texastribune.org/2022/05/24/texas-gun-laws-uvalde-mass-shootings/>
4. Texas Tribune, Texas has had eight mass shootings in the past 13 years, while lawmakers have steadily loosened restrictions on carrying firearms, May 31, 2022, <https://apps.texastribune.org/features/2019/texas-10-years-of-mass-shootings-timeline/>
5. Giffords Law Center, ANNUAL GUN LAW SCORECARD, 2021, <https://giffords.org/lawcenter/resources/scorecard/?scorecard=TX>
6. Washington Post, Study: There’s no evidence that hardening schools to make kids safer from gun violence actually works, April 16, 2019, <https://www.washingtonpost.com/education/2019/04/16/study-theres-no-evidence-that-hardening-schools-make-kids-safer-gun-violence-actually-works/>
7. Texas Tribune, Texas already “hardened” schools. It didn’t save Uvalde, May 26, 2022, <https://www.texastribune.org/2022/05/26/texas-uvalde-shooting-harden-schools/>



8. Brady Campaign to Prevent Gun Violence, “How Brady Background Checks Became Law”, <https://www.bradyunited.org/reports/how-brady-background-checks-became-law>
9. Violence Prevention Research Program, UC Davis School of Medicine, “Background Checks for Firearms Transfers”, <https://www.ucdmc.ucdavis.edu/vprp/CBC%20White%20Paper%20Final%20Report%20022013.pdf>
10. Politifact, “Do background checks work”, January 2, 2020, <https://www.politifact.com/article/2020/jan/02/gun-background-checks-what-research-shows/>
11. NYU, “Study examines “red flag” gun laws and state efforts to ban local legislation”, June 24, 2021, <https://www.nyu.edu/about/news-publications/news/2021/june/red-flag-gun-laws.html>
12. US Department of Justice model legislation for extreme risk orders, June 7, 2021, <https://www.justice.gov/doj/reducing-gun-violence/commentary-extreme-risk-protection-order-model-legislation>
13. University of Texas, Texas Statewide Survey, October 27, 2019, [https://texaspolitics.utexas.edu/sites/texaspolitics.utexas.edu/files/201910\\_poll\\_toplines.pdf](https://texaspolitics.utexas.edu/sites/texaspolitics.utexas.edu/files/201910_poll_toplines.pdf)
14. 97Percent, New poll finds gun owners greatly underestimate fellow gun owners’ support for gun safety policies, November 16, 2021, <https://www.97percent.us/news/beacon-research-gun-owner-poll>
15. Brady Campaign, “What are assault weapons and high capacity magazines?”, <https://www.bradyunited.org/fact-sheets/what-are-assault-weapons-and-high-capacity-magazines>
16. Giffords Law Center, “Large Capacity Magazines”, <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/large-capacity-magazines/>
17. Washington Post, “It’s time to bring back the assault weapons ban, gun violence experts say”, February 15, 2018, <https://www.washingtonpost.com/news/wonk/wp/2018/02/15/its-time-to-bring-back-the-assault-weapons-ban-gun-violence-experts-say/>
18. American Academy of Pediatricians, “Assault Weapons Ban”, <https://www.aap.org/en/advocacy/state-advocacy/assault-weapons-bans/>
19. International Association of Chiefs of Police, “Firearms Policy Position Statement”, [https://www.theiacp.org/sites/default/files/2019-05/IACP%20Firearms%20Position%20Paper\\_2018%20\(1\).pdf](https://www.theiacp.org/sites/default/files/2019-05/IACP%20Firearms%20Position%20Paper_2018%20(1).pdf)
20. Brennan Center, “Don’t Expect the Supreme Court to Overturn Assault Weapon Bans,” October 21, 2015, <https://www.brennancenter.org/our-work/analysis-opinion/dont-expect-supreme-court-overtur-n-assault-weapon-bans>

**Appendix 1**

Data from 2020

Ranked based on gun death rate

Ranked based on total yearly gun deaths

RANK	STATE	RATE (deaths per 100,000)	DEATHS	STATE	RATE (deaths per 100,000)	DEATHS
1	MS	28.6	818	TX	14.2	4164
2	LA	26.3	1183	CA	8.5	3449
3	WY	25.9	154	FL	13.7	3041
4	MO	23.9	1426	GA	17.7	1897
5	AL	23.6	1141	OH	15.2	1764
6	AK	23.5	175	PA	13.6	1752
7	NM	22.7	479	IL	14.1	1745
8	AR	22.6	673	NC	16	1699
9	SC	22	1131	TN	21.3	1473
10	TN	21.3	1473	MI	14.6	1454
11	MT	20.9	238	MO	23.9	1426
12	OK	20.7	826	AZ	16.7	1265
13	KY	20.1	902	LA	26.3	1183
14	WV	18.1	325	VA	13.4	1174
15	GA	17.7	1897	IN	17.3	1159
16	ID	17.6	321	AL	23.6	1141
17	IN	17.3	1159	SC	22	1131
18	NV	17	547	NY	5.3	1052
19	KS	16.9	494	CO	15.4	922
20	AZ	16.7	1265	KY	20.1	902
21	NC	16	1699	WA	10.9	864
22	CO	15.4	922	OK	20.7	826
23	OH	15.2	1764	MS	28.6	818
24	MI	14.6	1454	MD	13.5	803
25	DE	14.4	135	WI	12.2	717
26	TX	14.2	4164	AR	22.6	673
27	IL	14.1	1745	OR	13	592
28	ND	13.8	100	NV	17	547
29	FL	13.7	3041	MN	8.9	513
30	PA	13.6	1752	KS	16.9	494
31	SD	13.6	120	NM	22.7	479
32	UT	13.6	429	NJ	5	443
33	MD	13.5	803	UT	13.6	429
34	VA	13.4	1174	IA	11.2	351
35	OR	13	592	WV	18.1	325
36	WI	12.2	717	ID	17.6	321
37	VT	11.6	76	MA	3.7	268
38	IA	11.2	351	MT	20.9	238
39	WA	10.9	864	CT	6	219
40	ME	10.4	153	NE	10.1	197
41	NE	10.1	197	AK	23.5	175
42	MN	8.9	513	WY	25.9	154
43	NH	8.9	128	ME	10.4	153
44	CA	8.5	3449	DE	14.4	135
45	CT	6	219	NH	8.9	128
46	NY	5.3	1052	SD	13.6	120
47	RI	5.1	54	ND	13.8	100
48	NJ	5	443	VT	11.6	76
49	MA	3.7	268	RI	5.1	54
50	HI	3.4	50	HI	3.4	50