



TEXAS GUN RIGHTS

BACKGROUND BRIEFING

Question #1 - Assault Weapons Ban

“Assault weapon” is a term created by the gun control lobby and does not specifically refer to an actual class of firearms. The majority of so-called “assault weapon” bans are a de facto ban on semi-automatic firearms by prohibiting many commonly owned rifles, shotguns and handguns. These bans are often based on cosmetic appearance – color, stock type, ability to accept detachable magazines, etc, and have nothing to do with the function or capability of the firearm.

Question #2 – Universal Background Checks a.k.a. Universal Gun Registration

Gun control proponents use the so-called “gun show loophole” to attack the private sale of firearms to law-abiding citizens by enrolling their personal information in the National Instant Criminal Background Check System (NICS). But so-called “universal” background checks is merely a maneuver to severely restrict private firearms sales.

The addition of new personal information of law-abiding gun owners to NICS, or a state equivalent, is nothing more than a gun registration scheme and a prelude to confiscation. State laws to capture and store the personal data of individuals who can legally own firearms go far beyond current federal requirements.

The current background check process has been used to deny the Second Amendment rights of tens of thousands of law-abiding gun owners without probable cause or due process. In fact, since NICS was first established in November of 1998, more than 94% of firearms purchase denials have been attributed to “false positives” from the NICS system. Simply stated, the majority of NICS firearms purchase denials are individuals who have the same name -- or a similar name -- to a prohibited person. Meaning the rights of the law-abiding purchaser are being infringed upon. Any scheme that casts an even wider net aimed at trapping more personal info of law-abiding citizens should be opposed.

Question #3 – “Red Flag” Gun Confiscation

Often referred to as Extreme Risk Protection Orders (ERPO’s), or Gun Violence Restraining Orders, so-called “red flag” laws allow government agents to confiscate firearms from law-abiding citizens without due process and without a threat or a crime ever being committed. Due process protections are afforded to American citizens by the Fourth Amendment. Using *ex parte* orders based on unsubstantiated allegations from friends, relatives, neighbors, or past acquaintances is a violation of the Fourth Amendment. Simply put, this is gun confiscation.

Question #4 – Second Amendment Preservation Act (SAPA)

Proposals such as the “Second Amendment Preservation Act” would make any new unconstitutional anti-gun federal law or executive order unenforceable in Texas, and would impose penalties on state and federal officials for doing so. This important legislation uses the Tenth Amendment to protect gun owners, manufacturers, and the state from unwarranted federal intrusion.

Question #5 – Constitutional Carry

If you're old enough to serve in the military, get married, buy a house, and enter life-altering contracts, you should be able to exercise your right to bear arms. Under federal and state law, law-abiding individuals between the age of 18 and 20 can possess a firearm, but state law prohibits them from carrying it in public without a government issued permission slip! True Constitutional Carry allows ALL adults *legally eligible to possess* a firearm to carry it without government approval.

Question #6 – Campus Carry

While current Texas law mandates that state-funded colleges and universities allow permit-holders to carry on campus, it prohibits Constitutional Carry. The current campus carry law also allows those entities to create “criminal safety zones,” making students and faculty less safe, while also making these locations ideal targets for those who intend on doing harm.

Question #7 – Elimination of Sales Tax on Firearms, Accessories, and Ammunition.

Your right to keep and bear arms is a RIGHT, not a privilege. You don't pay a tax to exercise your right to free speech, and you shouldn't have to pay a tax to exercise your God-given rights protected by the Second Amendment.

Question #8 – “Gun Free” or “Criminal Safety” Zones

Current Texas law prohibits law-abiding Texans from carrying firearms in many arbitrarily designated areas, such as certain parks, hospitals, restaurants, etc. These laws create a tangled web of “gun-free” or “criminal safety” zones across the state, which discourage carrying, and leave law-abiding citizens vulnerable.

Question #9 – Stand Your Ground

This important law is a means to ensure that Texans who lawfully use deadly force to protect themselves and their loved ones are protected from criminal and civil litigation -- so long as they have a right to be present at the location where the force is used.

Question #10 – State Preemption

Texas has total preemption of firearm laws to create a uniform standard for gun owners traveling across the state. In past sessions, there were attempts to allow certain cities to adopt their own anti-gun measures, creating a patchwork of confusing gun laws and discouraging Texans from carrying their firearms.

Question #11 – Mental Health

A Harvard and National Institute of Health study found that up to half of all Americans could experience a mental illness in their lifetime. Yet a cornerstone of the anti-gun agenda is to find and label as many Americans as possible as “mentally ill” in order to take away their gun rights by adding them to the National Instant Criminal Background Check System (NICS), or a state equivalent, without due process and adjudication through a court of law.