



City of San Antonio

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CITY OF SAN ANTONIO GOVERNMENT & PUBLIC AFFAIRS DEPARTMENT MEMORANDUM

TO: Intergovernmental Relations Council Committee

FROM: Jeff Coyle, Director of Government & Public Affairs

SUBJECT: Firearm Proposals at the State and Federal level

DATE: September 6, 2019

The recent mass shootings in Texas and Ohio have generated renewed calls for the U.S. Congress to pass legislation to prevent gun violence. This briefing will provide an overview of proposed and potential legislation related to the regulation of firearms in the 116th U.S. Congress and interim activity of the 86th Texas Legislative Session.

Recent Federal Proposals

On February 27, 2019 the U.S. House of Representatives passed the first gun control measures in more than two decades. *H.R. 8 - The Bipartisan Background Checks Act of 2019* broadens the federal background check system for firearms purchases. H.R. 8, as passed in the House, would expand background checks to capture many private transfers - transfers between persons who are not Federal Firearms Licensees (FFLs). This legislation passed largely along party lines 240 to 190. From our Congressional Delegation Congressman Castro, Cuellar Doggett and Hurd voted in favor and Congressman Roy voted against.

On February 28, 2019 the U.S. House of Representatives passed *H.R. 1112, the Enhanced Background Checks Act of 2019*. H.R. 1112, extends the number of days, from three to ten, government authorities have to complete federal background checks for those attempting to purchase firearms, and ends a rule allowing the sale to be completed if the check isn't done in time. This legislation was passed by the House with a 228-198 vote in favor - again, mostly along party lines. From our Congressional Delegation Congressman Castro, Cuellar Doggett voted in favor and Congressmen Hurd and Roy voted against.

Congressional Outlook

Democrats called on the Senate to return early from its summer recess and return to Washington to address the matter immediately, but Senate Majority Leader Mitch McConnell, did not act on the request. Congress will return from their August recess on September 9.

There are several additional proposals in Congress aimed at addressing gun violence; however it remains to be seen if Congress will fully act on any of these or others. These proposals include:

- Gun sales Background Checks - this legislation proposes to expand background checks on gun buyers.
- Extreme Risk Protection Orders - this type of legislation would allow courts and local law enforcement to remove guns from people who are deemed to present an imminent risk of danger to communities.
- NICS Denial Notification - this legislation would require that state and local law enforcement be quickly notified by the National Instant Criminal Background Check System (NICS) when someone prohibited from purchasing a gun attempts to do so.
- Ban of Semi-automatic weapons - this type of legislation proposes to make it a crime to knowingly import, sell, manufacture, transfer, or possess a semiautomatic assault weapon or large capacity ammunition device.

State Statute

Texas' Local Government Code, Chapter 229, includes prohibitions on the regulation of firearms that severely limit local authority to place regulations on firearms. Cities are prohibited from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies.

During the most recent State Legislative Session, the Texas Legislature passed additional constraints to municipal regulations. H.B. 3231 expands the prohibition of municipal regulation to include the possession, wearing, carrying, storage, or commerce of firearms and ammunition. The statute does not alter a City's ability

to adopt generally applicable zoning ordinance, land use regulation, fire code, or business ordinance unless the ordinance or regulation is designed or enforced to effectively restrict or prohibit the manufacture, transfer or display of firearms, ammunition, or firearm accessories.

State Government Activity

In the wake of recent mass shooting in Texas the Governor and Legislature have begun taking steps to address gun violence. Governor Abbott announced the creation of the following groups of experts and community leaders:

- *Domestic Terrorism Task Force* - Created to analyze current and emerging threats in Texas; study ways to increase interagency cooperation and collaboration at the local, state and federal level; develop model tools, policies and protocols to fight domestic terrorism; and provide advice and recommendations regarding state homeland security strategic planning. The 16-member task force is expected to meet quarterly, or at the call of the Governor; their first meeting took place on August 30th.
- *Texas Safety Commission* - Instructed to develop an immediate action plan to combat threats of domestic terrorism, root out extremist ideologies, and address the link between mental health challenges and gun violence in our communities. The commission will also produce legislative solutions the State of Texas can adopt to prevent mass shootings and domestic terror attacks. To date, the Commission has met twice.

On September 4, the Governor issued several executive orders that are designed “to help prevent further mass shootings by enhancing reporting requirements and ensuring law enforcement and the public have the training, tools and resources they need to provide and respond to Suspicious Activity Reports.” The executive orders are:

- Within thirty days of this order, the Texas Department of Public Safety shall develop standardized intake questions that can be used by all Texas law-enforcement agencies to better identify whether a person calling the agency has information that should be reported to the Texas Suspicious Activity Reporting Network.
- Within thirty days of this order, the Department of Public Safety shall develop clear guidance, based on the appropriate legal standard, for when and how Texas law-enforcement agencies should submit Suspicious Activity Reports.
- Within sixty days of this order, the Texas Commission on Law Enforcement shall make training available to educate all law-enforcement officers regarding the standards that will be developed pursuant to

Order No. 1 and Order No. 2.

- The Department of Public Safety shall create and conduct an initiative to raise public awareness and understanding of how Suspicious Activity Reports are used by law-enforcement agencies to identify potential mass shooters or terroristic threats, so that the general public and friends, family members, coworkers, neighbors, and classmates will be more likely to report information about potential gunmen.
- The Department of Public Safety shall work with the Texas Education Agency and the Texas Higher Education Coordinating Board on ways to better inform schools, students, staff, and families about the importance of Suspicious Activity Reports and how to initiate that process.
- The Department of Public Safety shall work with local law enforcement, mental-health professionals, school districts, and others to create multidisciplinary threat assessment teams for each of its regions, and when appropriate shall coordinate with federal partners.
- The Department of Public Safety, as well as the Office of the Governor, shall use all available resources to increase staff at all fusion centers in Texas for the purpose of better collecting and responding to Suspicious Activity Reports, and better monitoring and analyzing social media and other online forums, for potential threats.
- Beginning January 1, 2020, all future grant awards from the Office of the Governor to counties shall require a commitment that the county will report at least 90 percent of convictions within seven business days to the Criminal Justice Information System at the Department of Public Safety. By January 1, 2021, such reporting must take place within five business days.

In addition, House Speaker Bonnen and Lt. Governor Patrick each appointed members to serve on the newly-formed House and Senate Select Committees that will focus on violence prevention and community safety. The select committees will provide a final list of legislative recommendations to be translated into proposed statutory changes.

House Committee members include:

- Rep. Drew Darby (Chair) (R-San Angelo)
- Rep. Poncho Nevárez (Vice-Chair) (D-Eagle Pass)
- Rep. César Blanco (D-El Paso)
- Rep. Giovanni Capriglione (R-Southlake)
- Rep. Charlie Geren (R-Fort Worth)

- Rep. Barbara Gervins-Hawkins (D-San Antonio)
- Rep. Julie Johnson (D-Carrolton)
- Rep. Brooks Landgraf (R-Odessa)
- Rep. Mike Lang (R-Granbury)
- Rep. Joe Moody (D-El Paso)
- Rep. Geanie Morrison (R-Victoria)
- Rep. Four Price (R-Amarillo)
- Rep. Armando Walle (D-Houston)

Senate Committee members include:

- Sen. Joan Huffman (Chair) (R-Houston)
- Sen. Judith Zaffirini (Vice-Chair) (D-Laredo)
- Sen. Donna Campbell (R-New Braunfels)
- Sen. Kelly Hancock (R-North Richland Hills)
- Sen. Jane Nelson (R-Flower Mound)
- Sen. Charles Perry (R-Lubbock)
- Sen. Jose Rodriguez (D-El Paso)
- Sen. Larry Taylor (R-Friendswood)
- Sen. John Whitmire (D-Houston)