



Gun Owners of America

Rachel Malone, Texas Director
512-937-3006
rachel.malone@gunowners.org

Felisha Bull, Texas Deputy Director
832-622-8781
fbull@gunowners.org

Constitutional Carry— PRIORITY SUPPORT

HB 1238-Biedermann | SB 540-Springer | HB 1927-Schaefer | HB 1587 or HB 1911 + HB 821-White | HB 2900-Hefner

Explanation of bills:

- Recognize the right of Texans to carry handguns without asking for permission
- Allow those who can legally possess a handgun to carry it, open or concealed, without a License to Carry (LTC)
- Maintain the LTC system as an option for those who would like an LTC (for gun purchase and reciprocity)

Current law:

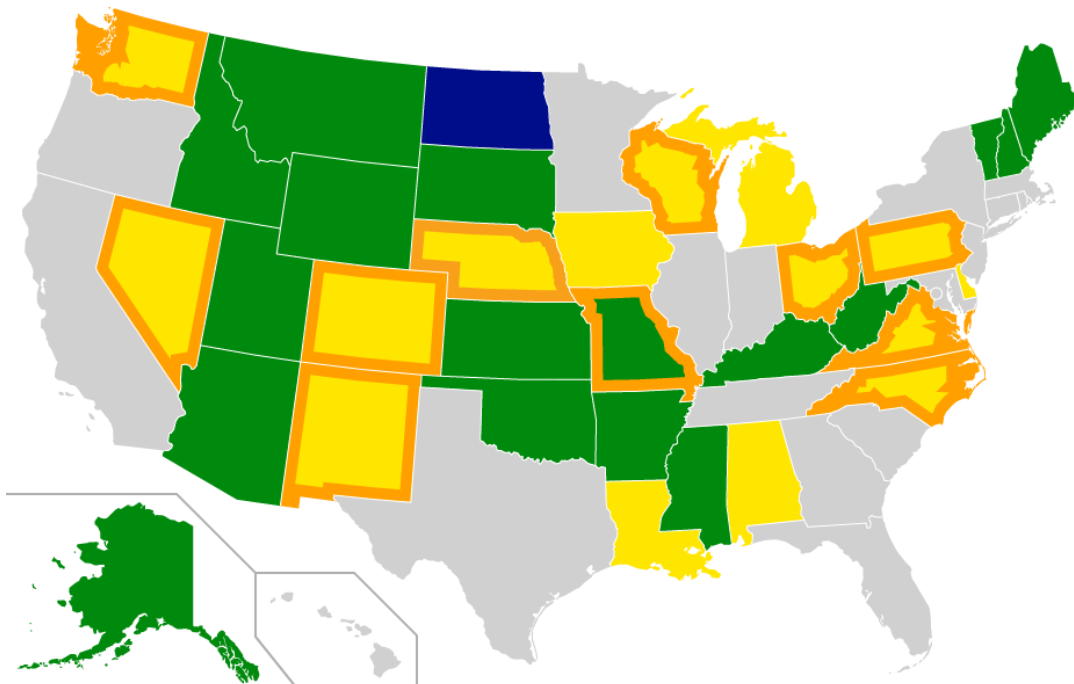
- Texas Penal Code 46.02 prohibits handgun carry outside of one’s property, living quarters, or vehicle.
- The main exception is for those who have a license to carry a handgun in public. LTC holders may carry openly (visible, in a holster) or concealed.
- To apply for an LTC, one must be 21 (or 18-20 and military), eligible to purchase a firearm under state and federal law, and meet many other requirements listed in Texas Government Code 411.172.

Comparison of bills:

	Current	HB 1238 & HB 2900	HB 1927	HB 1587 & HB 1911	SB 540
Age	21+ (18+ if military)	18+	21+	21+ (18+ if military)	21+
Eligibility for Carry	LTC (see Gov. Code 411.172 list of 13 items, including not behind on taxes or child support)	those who can legally possess a firearm	those who can legally possess a firearm	those who are eligible to apply for an LTC* (see Gov. Code 411.172 for list of 13 items)	those who can legally possess a firearm
Prohibited Places	see Penal Code 46.03 and 46.035	same as current law	same as current; don't apply if you leave when asked	same as current law	same as current law
Private Business Ban Unlicensed Carry	N/A	30.06 or 30.07 notice	30.05 notice (defense to prosecution if you leave when asked)	30.05 notice (maximum Class C / \$200 fine if you leave when asked)	new 30.08 notice
Campus Carry	LTC	lawful gun owners	LTC	LTC	LTC
Foster Home Possession	LTC	lawful gun owners	LTC	lawful gun owners	LTC
Employee Parking Lot Possession	LTC	lawful gun owners	LTC	lawful gun owners	LTC
LCRA Property Carry	LTC	lawful gun owners	LTC	lawful gun owners	LTC

*NOTE: If HB 821 also passes (in addition to HB 1587), those who can legally own a firearm and aren't part of a criminal street gang would be eligible to carry without a permit

GOA supports permitless carry for lawful gun owners age 18+, and advocates for no distinctions between LTC and permitless carry.



Legal gun owners can carry a handgun without a permit . . .

- openly or concealed
- openly only
- concealed only
- with regulations
- no permitless carry

Reasons for Support

- It is unacceptable that Texans must ask the government for permission to exercise their right to carry a handgun.
- Bans on carrying handguns were enacted in the Southern states during Reconstruction as a racist measure. But these bans were unequally enforced and were intended to keep black people from carrying guns. The elitist mindset behind this law is intolerable, and it's time to get rid of this Jim Crow-era law and move closer to "liberty and justice for all" by allowing handgun carry for all honest citizens.¹
- The majority of states don't require a license to carry a handgun in some form. *See map.*
- Requiring a license hurts those who are poor, busy, rural, etc. It also keeps potential victims from being able to defend themselves right away. But it does nothing to stop criminals, because they are already determined to break the law.
- No criminal has ever said, "I want to go commit assault and murder – but I have to wait for my license to carry to come in." But every day, honest Texans who want to carry a gun simply to come home safe at night are forced to wait for their permit so they can carry legally.
- Violent crime rates generally go down within the five years after a state passes Constitutional Carry.²
- Vermont has never required a license to carry, and it is consistently ranked as one of the safest states. In 2019, four out of the top five safest states were Constitutional Carry states (Maine, Vermont, New Hampshire, Idaho).³
- Repealing the training requirement does not endanger public safety. States that abandoned training requirements have found that people generally seek more training voluntarily, and public safety stays the same or improves.⁴

Footnotes

1. The Dark Secret of Jim Crow and the Racist Roots of Gun Control by David Kopel, March 2011, in America's 1st Freedom (<http://davekopel.org/2A/Mags/darksecret-of-jim-crow.html>). See also The Racist Roots of Gun Control by Clayton Kramer, Kansas Journal of Law & Public Policy, Winter 1995 (<https://njjat.com/JunePDFs/The%20Racist%20Roots%20of%20Gun%20Control.pdf>), The Racist Origins of US Gun Control by Steve Ekwall (<https://www.sedgwickcounty.org/media/29093/the-racist-origins-of-us-gun-control.pdf>), "The Discriminatory History of Gun Control" by David Babat, 2009, Senior Honors Projects, Paper 140 (<http://digitalcommons.uri.edu/srhonorsprog/140>)
2. John Lott's PowerPoint presentation for Kentucky (from 2019, before Oklahoma and Kentucky passed Constitutional Carry): <https://crimeresearch.org/wpcontent/uploads/2019/11/Kentuck-Constitutional-Carry-1.pptx>
3. US News safest states in 2019: <https://www.usnews.com/news/best-states/rankings/crime-and-corrections/public-safety>
4. People voluntarily get training when it's not required: <https://crimeresearch.org/2016/12/concealed-carry-permit-holders-getting-training-even-isnt-required/>
(See also "More Guns, Less Crime" by John Lott, pages 177-181, 226-227, 244-248.)

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on behalf of Gun Owners of America, 8001 Forbes Pl Suite 202, Springfield, VA, 22151

**Texas Legislators:
Please co-author
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