



HB 367 by Sherman, Sr. – OPPOSE

Criminal Jurisprudence Committee Hearing, 3/15/21

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Explanation of the bill: Under HB 367 . . .

If: An individual has been convicted of one of the following 9 criminal offenses:

- aggravated assault (felony)
- aggravated sexual assault (felony)
- specific harassment (felony)
- injury to child/elderly/disabled (felony)
- continuous violence against the family (felony)
- arson (felony)
- assault (Class A/felony)
- deadly conduct (Class A/felony)
- terroristic threat (class B/A/felony)

AND: At the trial for the above offense, the judge or jury found that the individual intentionally selected the person against whom the offense was committed or the person's property that was damaged or affected as a result of the offense because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference or by status as a peace officer or judge,

THEN: That individual is prohibited from possessing a firearm for five years after release from confinement, or five years after release from supervision for community supervision, parole, or mandatory supervision, whichever date is later.

Notes:

- There are two good reasons to prohibit a person from possessing firearms: (1) because the person has been convicted, with full due process, of a heinous violent crime, and has not yet fully paid his debt to society; and (2) because a person, with full due process and in accordance with full medical examinations and input, has been adjudicated as mentally incompetent.
- **The basis on which a person selected a victim or victim's property is NEVER an appropriate reason for which to prohibit firearms possession.**
- Under state law (Penal Code 46.04), an individual is already prohibited from possessing firearms for 5 years after release from confinement or supervision if the person was convicted of any felony or any family violence Class A or Class B misdemeanor (which covers most of the offenses above)
- Under Federal law (18 USC 922(g)), an individual is prohibited from ever possessing firearms if the person has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or has been convicted of a misdemeanor crime of domestic violence – both of which cover many of the offenses above.