



# HB 3350 by Moody – Protective Order Expansion

## OPPOSE

House Criminal Jurisprudence Committee Hearing, 4/19/21

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### Explanation of the bill:

- Currently, family violence protective orders are generally only available for family members or dating partners – someone with a close family or romantic relationship history.
- This bill dramatically expands who can apply for a protective order to restrain another individual – it would allow almost anyone to apply for a protective order against another individual, regardless of any family or romantic relationship history.
- This type of protective order carries with it a prohibition on possessing firearms.

### Why we oppose this bill:

- This bill would open the door for many individuals to be wrongly deprived of their firearm rights.
- GOA believes that there can be two possible 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 in a court of law. These processes should include an opportunity to be heard by a jury of one's peers.
- Protective orders as they currently exist are likely often a violation of what we believe is appropriate due process to deprive someone of the ability to possess firearms.
- Expanding these protective orders would potentially deprive large numbers of people of their firearm rights without due process, without them being able to hear the charges against them and defend themselves right away.