



## HB 670 by Martinez: OPPOSE

House Criminal Jurisprudence Hearing, 4/19/21

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### Explanation of the bill:

- Adds a criminal penalty if an individual knowingly discharges a firearm and at the time of discharge:
  - Is reckless as to whether the firearm was aimed at the person's intended target; or
  - Did not have an intended target.
- Minimum Class A misdemeanor even if no harm was done to person or property
- Raised to 2<sup>nd</sup> Degree Felony for serious bodily injury or death
- Defense to prosecution if the individual was:
  - Shooting at a sport shooting range
  - Legally hunting
  - Shooting blanks
  - Participating in movie production with a state permit
- Sport shooting range is defined as: "a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting." (Local Government Code 250.001)

### Why we oppose this bill:

- This bill, while well-intentioned, could easily criminalize harmless behavior that is currently safe, common, and legal. For example:
  - Test firing a gun in a direction we know is safe, but where there is not a hung target
  - Shooting a gun to scare away an animal that one does not want to shoot
  - Neighbors making baseless complaints about gun owners shooting safely on their own property
  - Minorities plinking on private property – they're worried about being unfairly targeted
  - Shooting into the air with a shotgun as in shooting skeet – but without clay pigeons in the air
- The bill gives a Class A misdemeanor even when no harm is done – that's an outrageously high penalty
- We have no problem with those who cause harm (including serious bodily injury or harm) being prosecuted for the harm that they caused – that's already a crime. Deadly conduct remains a crime, too.
- The bill provides only a defense to prosecution for hunting and shooting at ranges. Individuals could still get arrested, get charged, and then burden of proof is on them to show that they met the exception.