

PROPOSED SECOND AMENDMENT RESOLUTIONS FOR THE 2026 REPUBLIC PARTY OF TEXAS PLATFORM

Be it Resolved: the State and Federal Legislatures shall: Provide that responsible individuals aged 18, 19, and 20 who are not otherwise prohibited by state or federal law from possessing a firearm may lawfully carry a handgun and be eligible for a license to carry, consistent with constitutional protections and federal court rulings.

BACKGROUND (Not part of the resolution): Whereas, the Second Amendment to the United States Constitution protects an individual right to keep and bear arms for lawful purposes, including self-defense; Whereas, Article I, Section 23 of the Texas Constitution likewise secures the right of Texas citizens to keep and bear arms; Whereas, federal courts have recognized that responsible adults aged 18 to 20 possess Second Amendment rights equal to those of adults over 21; Whereas, existing provisions in the Texas Penal Code and Government Code continue to contain age-based restrictions that have been held unconstitutional or create confusion in enforcement; Whereas, these outdated statutory provisions result in inconsistent application of the law and uncertainty for law-abiding Texans; Whereas, clarifying Texas law to align with constitutional requirements ensures equal treatment of adult citizens and promotes lawful self-defense; Whereas, individuals who are prohibited from possessing firearms under state or federal law remain prohibited under this legislation.

Additional Context: See 89R Relating to the age at which a person not otherwise prohibited by state or federal law from possessing a firearm may carry a handgun or is eligible for a license to carry a handgun [HB2470](#). See also [Andrews v. McCraw](#).

Be it Resolved: the State and Federal Legislatures shall: Provide that individuals who have acted in justified defense have access to a pre-trial mechanism to assert and adjudicate their justification claim prior to trial.

BACKGROUND (Not part of the resolution): Whereas, individuals who have acted in justified defense are frequently arrested and charged despite lawful conduct; Whereas, justification is an affirmative defense that is typically adjudicated only at trial; Whereas, trial is the final stage of a criminal proceeding and often occurs after months or years of litigation; Whereas, during that period, a justified individual bears substantial financial, emotional, and personal costs; Whereas, current law provides no meaningful mechanism for early judicial review of a justification claim; Whereas, allowing a justified defender to assert their defense earlier in the criminal process would reduce unnecessary prosecutions, conserve judicial resources, and limit harm to law-abiding individuals.

Be it Resolved: the State and Federal Legislatures shall: Provide that individuals who lawfully use or threaten to use force or deadly force in self-defense or defense of others, and who are cleared by the criminal justice system, should be presumed justified, immune from civil liability, and entitled to recover attorney's fees, court costs, lost income, and related expenses arising from any civil action based on that conduct.

BACKGROUND (Not part of the resolution): Whereas, Texas Civil Practices and Remedies Code Chapter 83 provides civil immunity for damages to a person who uses force or deadly force that is justified; Whereas, immunity from damages does not keep a person from being sued or having to respond and participate in a lawsuit; Whereas, being sued is costly and time-consuming; Whereas, many individuals who have acted in justified defense are incurring significant civil legal expenses; Whereas, legal presumptions offer a framework to manage uncertainties and streamline legal proceedings; Whereas, Texas Civil Practices and Remedies Code Chapter 83 is ineffective at deterring frivolous lawsuits.

Additional Context: See 89R Relating to the recovery of damages for injuries arising out of certain uses of force or deadly force [HB170](#) and [SB1730](#).

Be it Resolved: the State and Federal Legislatures shall: Provide that individuals are legally justified in using force or deadly force when reasonably necessary to prevent or respond to the commission or attempted commission of a violent felony, including offenses involving injury to vulnerable populations or aggravated assault.

BACKGROUND (Not part of the resolution): Whereas, Texas self-defense law recognizes heightened justification when force or deadly force is used to prevent certain enumerated violent crimes; Whereas, current statutes do not expressly account for all violent felonies, including serious injury offenses against children, elderly persons, disabled individuals, or victims of aggravated assault; Whereas, these offenses often involve intentional or knowing acts of force against especially vulnerable victims; Whereas, individuals confronted with violent felony conduct must be able to act decisively to protect themselves or others without fear of criminal prosecution; Whereas, clarifying that violent felonies include force-based offenses beyond traditional categories promotes consistency in the application of self-defense law; Whereas, clear statutory guidance assists law enforcement, prosecutors, courts, and juries in evaluating claims of justified self-defense.

Additional Context: See 89R Relating to the legal justification for using force or deadly force in response to the commission or attempted commission of a violent felony [HB2895](#) and [SB1601](#).

Be it Resolved: the State and Federal Legislatures shall: Provide that a person may assert a defense to prosecution for aggravated assault when the person threatens death or serious bodily injury by exhibiting a deadly weapon, if the threat would be justified under self-defense law, and the person reasonably believed creating apprehension was immediately necessary to defend against another's unlawful force or deadly force.

BACKGROUND (Not part of the resolution): Whereas, Texas law does not define the term "brandishing," creating confusion over when the display or exhibition of a firearm constitutes criminal conduct; Whereas, individuals may lawfully display or draw a firearm in certain circumstances without intending to commit an unlawful act; Whereas, under current law, Texans who display a deadly weapon in self-defense may nonetheless face aggravated assault or related charges; Whereas, the lack of clarity exposes law-abiding individuals to arrest and prosecution despite acting reasonably and lawfully; Whereas, self-defense under Chapter 9 of the Penal Code permits threats of force when immediately necessary to prevent unlawful force or deadly force; Whereas, establishing a clear defense to prosecution for justified threats involving the exhibition of a deadly weapon promotes fairness, legal clarity, and consistent application of self-defense principles.

Additional Context: See 89R Relating to a defense to prosecution for the offense of aggravated assault [HB2458](#).

Be it Resolved: the State and Federal Legislatures shall: Establish a voluntary enhanced license to carry designation for highly vetted and extensively trained individuals, granting expanded lawful carry access in locations to promote public safety and legal clarity.

BACKGROUND (Not part of the resolution): Whereas, existing carry laws rely heavily on location-based prohibitions that do not account for actual security measures; Whereas, law-abiding license holders with extensive training are currently treated the same as minimally trained or untrained individuals for purposes of carry restrictions; Whereas, enhanced training, experience, and demonstrated responsibility justify differentiated legal treatment; Whereas, signage-based prohibitions and unclear carry boundaries create accidental criminal exposure for responsible citizens; Whereas, public employees, school staff, and individuals working in unsecured facilities often face heightened personal safety risks; Whereas, a voluntary enhanced license framework rewards responsibility without mandating participation or restricting permitless carry; Whereas, conditioning expanded carry privileges on rigorous training, clean history, and strict conduct limitations promotes safety, accountability, and predictability in enforcement.

Be it Resolved: the State and Federal Legislatures shall: Repeal or substantially limit government-mandated gun-free zones that disarm law-abiding citizens while failing to prevent criminal violence.

BACKGROUND (Not part of the resolution): Whereas, individuals intent on committing violent acts routinely ignore firearm prohibitions; Whereas, government-mandated gun-free zones prevent law-abiding citizens from exercising their right to self-defense; Whereas, such zones rely on compliance by lawful actors while providing no barrier to criminal conduct; Whereas, public reliance on gun-free zones can create a false sense of security; Whereas, numerous high-profile attacks have occurred in locations where lawful defensive carry was prohibited.

Additional Context: See 89R Relating to the applicability of a defense to prosecution for an offense relating to carrying a handgun in certain prohibited locations and to repealing associated notice requirements [HB925](#).

Be it Resolved: the State and Federal Legislatures shall: Provide for the restoration of firearm possession and carry rights for individuals convicted of non-violent felonies who are not otherwise prohibited by law, and recognize the restorations of rights through pardons, set-asides, or other lawful civil rights restorations.

BACKGROUND (Not part of the resolution): Whereas, existing law broadly restricts firearm possession by individuals with felony convictions regardless of whether the offense involved violence or the use of force; Whereas, not all felony offenses present an ongoing risk to public safety, particularly those that do not involve intentional, knowing, or threatened violence; Whereas, tailored firearm prohibitions focused on violent offenses better align with public safety objectives and constitutional principles; Whereas, individuals who have completed their sentences and demonstrated rehabilitation should not face lifelong disability unrelated to their offense conduct; Whereas, federal, state, and tribal law already recognize mechanisms such as pardons, set-asides, and restorations of civil rights; Whereas, clarifying that firearm disabilities do not apply once civil rights have been lawfully restored promotes consistency, fairness, and reintegration while preserving restrictions for violent offenders.

Additional Context: See 89R Relating to the possession of a firearm by persons convicted of certain felony offenses [HB2771](#) and [HB2759](#).

Be it Resolved: the State and Federal Legislatures shall: Ensure tenants of leased premises should not be evicted for acting in justified self-defense.

BACKGROUND (Not part of the resolution): Whereas, a person's habitation is universally regarded as the ultimate refuge for individuals and families, a place where they have a right to feel safe and secure; Whereas, a person may feel particularly vulnerable, especially during the night or when they are asleep; Whereas, a homeowner is not forced to leave their home following a justified defense incident; Whereas, tenants of rental property are being forced to vacate their property or are being evicted after acting in justified defense with a firearm; Whereas, Texas law treats tenants who act in justified defense with a firearm differently than homeowners.

Additional Context: See 89R Relating to the justified use of force, including deadly force, by certain persons on certain residential property or manufactured home community property [HB2879](#).

