

SUBJECT: Allowing foster parents to store guns and ammunition in the same location

COMMITTEE: Human Services — committee substitute recommended

VOTE: 6 ayes — Frank, Hinojosa, Clardy, Klick, Miller, Noble

1 nays — Meza

2 absent — Deshotel, Rose

WITNESSES: For — Derrick Ard (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Rachel Malone, Gun Owners of America; Tara Mica, National Rifle Association; Byron Schirmbeck, Texas Campaign for Liberty; Mark Borskey, Texas State Rifle Association; and 10 individuals)

Against — Elva Mendoza, Moms Demand Action for Gun Sense in America; Gyl Switzer, Texas Gun Sense (*Registered, but did not testify*: Jo DePrang, Children's Defense Fund-Texas; Diana Earl, Everytown for Gun Safety, Moms Demand Action; John R. Pitts, Giffords Law Center; Mary Cullinane, League of Women Voters of Texas; Vicki Altounian, Robin Carroll, Elizabeth Crosby, Susan Kelly, Nicole Golden, Melanie Greene, Melissa Holmes, Heather Kennedy, Emma Mancha-Sumners, Sarah Poustovoi and Jennifer Price, Moms Demand Action for Gun Sense in America; Marilyn Hartman, NAMI Austin; Michael Clarke, Students Demand Action for Gun Sense in America; Kaitlyn Doerge, Texas Pediatric Society; and 14 individuals)

On — (*Registered, but did not testify*: Kristene Blackstone and Liz Kromrei, Department of Family and Protective Services; Jean Shaw, Health and Human Services Commission)

BACKGROUND: Human Resources Code sec. 42.042(e-1) bars the Department of Family and Protective Services (DFPS) from prohibiting agency foster homes from lawfully possessing permitted firearms and ammunition. DFPS is allowed to adopt rules that require firearms and ammunition to be stored

separately in locked locations.

Sec. 42.001(11) defines an "agency foster home" as a facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency or continuum-of-care residential operation, and meets DFPS standards.

DIGEST: CSHB 2363 would require the Health and Human Services Commission to allow agency foster homes to store firearms and ammunition together in the same locked location.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: CSHB 2363 would remove a statutory restriction that may discourage eligible Texans from becoming foster parents. As there is a serious need for more willing, qualified adults to care for children in the foster system, it is counterproductive to have such strict regulations on the homes of registered gun owners. Allowing foster parents to safely store their firearms in a way that ensures both security and fast access for the gun owner would encourage gun owners to foster children that desperately need homes.

Keeping ammunition locked separately from a firearm makes it too difficult to quickly access a weapon should a threat arise. Foster parents should not have to adhere to overly restrictive gun storage laws that infringe upon the rights of registered gun owners to have access to the firearms they own and to protect their families. Keeping firearms locked up would be sufficient to ensure the safety of children in the home.

OPPONENTS SAY: CSHB 2363 would remove necessary requirements that keep foster children as safe as possible from the risk of gun violence. Foster parents are required to do many different things to make their homes safe for foster children, and maintaining the requirement that firearms be stored according to the National Shooting Sports Foundation's best practices, which recommend that guns be kept separate from ammunition, is the best way to protect children.

As a result of trauma, foster children are more likely than their peers to consider suicide. Making it easier for vulnerable children to access firearms and ammunition may result in more suicides and accidental injuries. Ensuring the accessibility of firearms to gun owners should not come at the expense of children's safety.