

SUBJECT: Allowing foster parents to store locked guns without trigger lock

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Frank, Hull, Klick, Noble, Shaheen

4 nays — Hinojosa, Meza, Neave, Rose

WITNESSES: For — None

Against — Gyl Switzer, Texas Gun Sense; (*Registered, but did not testify*: Alison Mohr Boleware, National Association of Social Workers-Texas Chapter; Nancy Walker, Texans Care for Children; Eric Woomer, Texas Pediatric Society; Thomas Parkinson)

On — (*Registered, but did not testify*: Julie Richards, Texas Health and Human Services Commission)

BACKGROUND: Human Resources Code sec. 42.042(e-1) bars the Health and Human Services Commission from prohibiting the possession of lawfully permitted firearms and ammunition in an agency foster home. The commission is authorized to adopt minimum standards relating to safety and proper storage of firearms and ammunition. The minimum standards must allow firearms and ammunition to be stored separately or stored together in the same locked location if the firearms are stored with a trigger locking device attached to the firearms.

Sec. 42.002(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 Department of Family and Protective Services standards.

DIGEST: HB 1387 would require the Health and Human Services Commission to allow agency foster homes to store firearms and ammunition together in the same locked location while removing a requirement that the minimum standards require a trigger lock attached to the firearm.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 1387 would help ensure that foster children can be housed in a protected environment by eliminating an unnecessary statutory restriction on how foster parents store firearms. Current law requires that the standards established by the HHSC require firearms stored with ammunition to have a trigger lock. This is overly restrictive and could prevent a foster parent from having timely access to a firearm if one were needed.

There is a need for willing, qualified adults to care for children in the foster system, and it is counterproductive to have such strict regulations on lawful gun owners. Keeping firearms and ammunition locked up would be sufficient to ensure the safety of children in the home.

**CRITICS
SAY:**

HB 1387 would remove requirements that help keep foster children as safe as possible from the risk of gun violence. Foster parents must meet numerous requirements to provide a safe home for foster children, and the current requirement to have standards requiring trigger locks when guns are stored with ammunition is another of these reasonable criteria. The bill would move Texas further from national foster home safety standards and other best practices for gun storage.

Foster children often have experienced trauma and their care should be in the context of providing a safe environment. Storing firearms and ammunition together without trigger locks or other safety mechanisms such as a biometric identifier in a locked location can result in unintentional shootings and suicides. Accessibility of firearms and ammunition should not come at the expense of safety.