

**SUBJECT:** Expanding the offense of reckless discharge of a firearm

**COMMITTEE:** Community Safety, Select — committee substitute recommended

**VOTE:** 7 ayes — Bowers, Burrows, Canales, Goodwin, Harless, T. King, Troxclair

1 nay — Dorazio

4 absent — Guillen, Jarvis Johnson, Holland, Moody

1 present not voting — Landgraf

**WITNESSES:** For — Teresa Biel (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso; Elisa M. Tamayo, El Paso County; Joe Platte, GIFFORDS; Steven Kling, Gun Owners for Safety; Susana Carranza, League of Women Voters of Texas; Bill Kelly, Mayor’s Office, City of Houston; Susan Pintchovski, Moms Demand Action Texas; Nicole Golden, Texas Gun Sense; Cynthia Van Maanen, Travis County Democratic Party; and 26 individuals)

Against — Michael Belsick; Richard Hayes; Rick Rinehart (*Registered, but did not testify*: Leigh Gibson, Wesley Virdell, Gun Owners of America; Tara Mica, National Rifle Association; and seven individuals)

**BACKGROUND:** Concerns have been raised that firing a gun into the air with no intended target, as often occurs on New Year's Eve and Fourth of July in the form of celebratory gunfire, can cause injuries and death.

**DIGEST:** CSHB 1138 would expand conduct constituting discharge of a firearm in certain municipalities to include recklessly discharging a firearm in a county with a population of 500,000 or more. The offense would not affect the authority of a county or municipality under other law to enact an order or ordinance prohibiting the discharge of a firearm.

The bill would take effect September 1, 2023, and would apply only to an

offense committed on or after that date.