

Dear Committee,

Thank you for the opportunity to provide input on this important topic listed as Duty #4. I feel very strongly on the topics of law enforcement and mental health and hope you consider my opinion and the facts behind it. I will provide my input and also respond to the Designated Parties responses that have been submitted to your committee.

We should not conflate the topic of mental health and gun ownership rights. Gun ownership is a Constitutional right whereas mental health issues are a human condition that is very difficult to define, manage and resolve. Mental health needs should be addressed by professional Psychologists and Psychiatrists whereas gun rights and control is a legal Constitutional subject that should be addressed by our elected leaders and law enforcement.

The mass shootings are very disturbing and heartbreaking, but we must direct our efforts to solve the true root cause of the issue. Some of the horrible incidents can be blamed on the perpetrator's mental health condition and others can be blamed on evil intent. Evil has always been in the world and will continue to be with us. However, these people with mental health issues or evil intent are a small minority of our population. We must not implement changes that adversely impact the majority of sound, honest and law-abiding citizens in an attempt to solve the problems with the small minority.

Criminals, by definition, do not obey laws that are in place. They do not stop to look at posted signs or warnings before committing a crime. They do not hesitate to enter a "gun-free" zone with a gun. In fact, because no one is supposed to have a gun in the "gun-free" zone, the criminal knows that there will be no one to stop them in committing their crime. From 1950 to April 2018, 97.3% of the mass shootings were in places where law-abiding citizens were prohibited from carrying a firearm (gun-free zone). Seeing that data, it would indicate that "gun-free" zones should be eliminated.

An examination of FBI reports on active shooter events revealed that when regular armed citizens have been present, they were successful in reducing injuries and fatalities 94% of the time and stopped the event altogether 75% of the time with 0 innocent bystanders shot by accident. We should be looking to solve the problem by using our law-abiding population, not restricting them. The parents, teachers and employees are the most motivated people to end a threat to their environment.

A gun is only an object with no mental health or good or bad. It is only a tool for a person to use for good or bad. The fact is that guns are used for good in the majority of incidents for personal protection and to stop crime. It is people who are good or evil, not guns. I have owned guns most of my life and have never used them for a crime.

Law enforcement professionals cannot be everywhere to prevent or stop shootings. However, the majority of our fellow Texans who are law-abiding are everywhere and if properly armed can be a major deterrent to those in our population who are law-breaking. If the "gun-free" zones were eliminated, we would have a lot more people in place to enforce laws and prevent mass shootings. Four states allow license holders to carry firearms in schools. In these schools, crimes have not increased as a result of these laws.

It is easy for people to say that we should prevent those with mental health issues from owning guns. That sounds like a good idea. However, how do we identify those with mental health issues that may use a gun for an evil purpose? Who can read the intent and motivation of anyone else? Laws cannot be specific enough to accurately identify a person with a true mental health issue intent on mass shooting. Any law that requires a broad judgment by law enforcement, a social worker or health professional can be abused and adversely impact innocent people.

Red Flag or Extreme Risk Protection Order laws that allow police or family members to file a petition for a court order to seize the firearms of persons accused to be a danger to themselves or others have been proven to be ineffective. This conclusion by the Crime Prevention Research Center is based on evidence from four states that implemented these policies before 2017.

In response to testimony submitted to the committee by Jeff Temple:

- Paragraph titled “Enforcing Domestic Violence Laws” – Background checks for all new gun purchases are already in place. We have seen failures in that system in the past as no system is completely accurate if humans are involved in data entry. Also, the system becomes overwhelmed and unfairly impacts law abiding citizens.
- Paragraph titled “Restrict Firearm Access to Stalkers and Dating Violence Perpetrators” – Adding another category of people to a law will not have any effect. If a person is breaking a law, whoever they are, they should be accordingly punished.
- Paragraph titled “Family Empowerment Laws” – If a family observes a problem with one of the members, they have the obligation to address it directly. We don’t need any new laws to empower a family to solve their problem. We already have laws in place and the family is the best and most direct solution to a problem.

In response to testimony submitted to the committee by Mark Barden:

- Paragraph “Recommendation 2” – We already have background checks on new gun sales and the sale of guns between private citizens has not been shown to be a root cause of mass shootings. Those involved in mass shootings do not care about the “misuse of the Second Amendment”. They only want to commit the crime, whether it is based on a mental health issue or just plain evil intent. The only people caring about the Second Amendment are honest law-abiding citizens and adding restrictions around the amendment is very troubling.
- Paragraph titled “Recommendation 3” – Crisis Aversion and Rights Retention Orders (CARR) will only complicate and possibly exacerbate any issue with someone. It brings in a third party and may be the tipping point for a troubled person. These laws could be badly abused and adversely impact an honest person only because a family member or friend interprets their behavior in a negative way. These laws are too open-ended and do not allow due process of their rights in a timely manner.

The Texas crime rate is the lowest it has been since 1965. Similarly, violent crime in Texas is at a 40-year low. The decrease is both in violent and property crime rates. The percentage of total homicides with a firearm in Texas has been trending downward as well. These positive trends have occurred during a huge increase in legal gun sales. A simple cause and effect analysis would indicate a correlation between increased gun sales and decreased crime rate. The solution to reduced mass shootings is not more restriction impacting law-abiding people, but specific action to care for those with mental health issues and enforce current criminal laws.

Mark Haynes