

Submitted by David Denney

Duty (1): examine options for strengthening enforcement measures for current laws that prevent the transfer of firearms to felons and other persons prohibited by current law from possessing firearms;

I acquired my first firearm in February 2019, while in my mid-forties, following the kidnapping of 13-year-old Jayme Closs in Wisconsin (after the brutal murder of her parents).<sup>1</sup> As the father of a 13-year-old daughter, this story resonated deeply with me, and I chose to acquire a firearm to better defend myself and my family. I am now a member of both *Gun Owners of America* and the *National Rifle Association*.

Thank you for allowing public comment on this important issue.

Numerous state and federal laws provide adequate solutions to prevent the acquisition, possession, and misuse of firearms by felons and other persons prohibited by law from possessing them.

Under current Texas law, possession of a firearm by a convicted felon is punishable by up to 10 years in prison, as is knowingly transferring a firearm to a person legally prohibited from possessing a firearm.<sup>2</sup> Theft of a firearm is a state jail felony.<sup>3</sup> These are severe penalties! Were these statutes adequately enforced, possession of firearms by felons and other prohibited persons would be drastically reduced (in addition to the number of felons and prohibited persons already prevented from obtaining firearms in accordance with state and federal law).

Options for strengthening enforcement measures of those existing laws include, first and foremost, strengthening state and local law enforcement agencies - not defunding them. Law enforcement agencies throughout the State of Texas seem unable to enforce the strong firearm-related laws already in existence.

For example, Dallas Police Chief Renee' Hall has described the Dallas Police Department as "fatigued," and "understaffed."<sup>4</sup> If local law enforcement cannot adequately address the laws that are currently enacted in our Texas Penal Code due to staffing and/or budgetary concerns,

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<sup>1</sup> <https://abcnews.go.com/US/man-accused-kidnapping-13-year-wisconsin-girl-killing/story?id=60343911>

<sup>2</sup> TEX. PEN. CODE §46.04 & 46.06.

<sup>3</sup> TEX. PEN. CODE §31.03(e)(4)(C).

<sup>4</sup> <https://www.wfaa.com/article/news/car-wash-follow/287-0e0554b6-a733-4a22-ba8d-8d4716918536>  
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then enforcement simply cannot be strengthened. This increases the risk that prohibited persons will violate the law.

Failure to enforce our existing laws further creates the risk that our legislature will create additional laws aimed at restricting the purchase or possession of firearms to appease “gun control” proponents, when in reality additional laws aimed at restricting gun ownership by prohibited persons will simply overtask our already-burdened criminal justice system and increase the risk that law-abiding citizens will inadvertently be prevented from possessing firearms. In light of the rights granted under the 2<sup>nd</sup> Amendment to the U.S. Constitution and of the volatile nature of society in general, this risk is unacceptable.

As President Obama’s 2013 study showed, “Defensive use of guns by crime victims is a common occurrence.”<sup>5</sup> The study elaborates, “Almost all national survey estimates indicate that defensive gun uses by victims *are at least as common as offensive uses by criminals*, with estimates of annual uses ranging from about 500,000 to more than 3 million.”<sup>6</sup> Thus, any measure that would directly or indirectly prevent law-abiding citizens from obtaining or possessing a firearm poses a threat to the citizenry of our State.

The current issue facing the State of Texas is not a lack of strong gun laws. The issue is the prevalence of under-funded, under-staffed, and under-appreciated law enforcement agencies throughout Texas.

In stark contrast to radical cries (and even some unbelievable actions by certain Texas cities) to “defund” our police, please ensure that in the upcoming 2021 legislative session you work to help the citizens of our great state remain safe by encouraging the adequate funding of state and local law enforcement, which will ensure adequate enforcement of our already strong laws prohibiting the possession of firearms by prohibited persons.

We don’t need stronger gun laws. We need stronger cops.

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<sup>5</sup> <https://www.nap.edu/read/18319/chapter/3#15>

<sup>6</sup> *Id* (emphasis added).