



# CITY OF HOUSTON

## Houston Police Department

Sylvester Turner, Mayor

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August 31, 2020

**Art Acevedo**  
Chief of Police



Honorable Chairman Drew Darby  
House Select Committee on Mass Violence Prevention & Community Safety

Honorable Chairman Drew Darby:

Thank you for the opportunity to provide input regarding the necessary strengthening of enforcement measures to prevent the transfer of firearms to felons and other persons prohibited from possessing firearms. It is past time for elected officials to take meaningful action to address this public health epidemic afflicting our state and leading to the death and wounding of our fellow Texans as a result of gun crime. I appreciate your attention to this matter.

In my capacity as Chief of Police in the largest city in Texas and also as president of the Major Cities Chiefs Association, I have repeatedly provided common sense proposals regarding access to firearms. Below are my recommendations for this honorable committee:

- The “Gun Show loophole” or “private seller” exception exempts unlicensed sellers from having to perform any background check whatsoever before selling a firearm. This gap in the law allows guns to find their way into the hands of felons, gun traffickers, domestic abusers, and persons suffering from mental illness that would otherwise be ineligible to purchase a gun under federal law. State law should mandate that private sellers conduct background checks through the Department of Public Safety or other State agency prior to any transfer of weapons. The seller should be required to maintain a record of the transfer for ten years.
- Consider revising the Probate Court processes regarding notifications and voluntary treatment following an Emergency Detention Order (EDO) pursuant to Health and Safety Code chapter 573.
  - The Notice of Emergency Detention form described in Health and Safety Code sec. 573.002(d) should be modified to include in bold ink that a firearm was seized under HSC chapter 573. This will put the Probate Court on notice that the consumer had a firearm when he or she was detained on an EDO.



- It is important for the Probate Court to consider access to firearms because if the Probate Court offers the consumer an option for voluntary treatment and they accept it, that person can legally avoid the National Instant Criminal Background Check System (NICS) process and continue to possess or purchase firearms because they did not receive a court adjudicated disposition as “mentally defective.” A better alternative for the State to consider is requiring any person detained on an EDO who was in possession of a firearm at the time of the detention to be ineligible for voluntary treatment.
- Texas should pass a law regarding emergency temporary risk protection orders, similar to Florida’s Risk Protection Order Statute. These types of laws are designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and law enforcement to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crisis or violent behavior. These court orders would be limited to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm and would include standards and safeguards to protect the rights of respondents and provide due process. A law of this type would also close the “voluntary treatment loophole” by keeping a consumer from possessing firearms for a specified period while undergoing treatment or still poses a danger to them self or others.
- The State of Texas should become a “NICS Full Point of Contact” state to provide more comprehensive background checks. Currently, Texas reports required information to the federal system but Federal Firearm Licensees (FFL) rely on the FBI for all firearm background checks. By becoming a full point of contact state, Texas would be able to conduct thorough and comprehensive background checks by accessing both NICS and additional state and local databases (such as those for warrants and protective orders).

Again, I am grateful for the opportunity to discuss this critical issue that impacts the safety of my officers and my city. I recognize that the solution is not simple, but it is incumbent upon the State of Texas to enact meaningful, measured legislation to address the escalating gun violence and mass shootings in our state.

Sincerely,

/s/ Art Acevedo

Art Acevedo  
Chief of Police

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