

Enforce Existing Gun Laws?

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“Enforce existing gun laws” has a great ring to it. It plays well politically, and in the press. But does it always make sense? Just because a proposal has already been made into law does not mean it is a good idea. There are a LOT of very bad gun laws. The question is really whether the existing gun laws - all 20,000 of them - are good policy. Here are a few examples:

1. Misdemeanor crimes of domestic violence: This federal law forever prohibits you from possessing firearms, ammunition, or components, if you have ever been convicted of a “misdemeanor crime of domestic violence.” One major problem is that it includes convictions that occurred before the law was even passed. Remember, these are misdemeanors, by definition “petty crimes,” rather than felonies. Some of these crimes only involve a fine. Many people simply paid the fine rather than fighting it in court, especially before this law was passed. Once Congress passed this law, these people found they had forever lost a Constitutional right. Don’t we have the right to know all the consequences, before agreeing to a guilty plea? Most of these people would never have pled guilty if they knew they would later lose their Constitutional rights. Even extreme backers of gun control should agree this is unfair. This law is routinely used as a weapon in family court.

2. Domestic court orders: This federal law prohibits you from possessing firearms, ammunition, or components, while you are subject to certain court orders that prohibit you from assaulting, threatening, or stalking your wife or girlfriend. The problem is that the definition is so broad it includes orders that are entered on a routine basis in divorces. There is no requirement for any finding of danger, or a past history of violence. As a result, a number of people going through a divorce have found themselves charged with federal felony charges for possessing guns. This is another law that is routinely used as a weapon in family court.

3. Federal installations: Federal law prohibits you from possessing firearms on any “federal installation.” Postal regulations prohibit you from possessing guns on postal property, including the parking lot. Technically this requires any CHL holder wanting to mail a letter to park somewhere else, leave his gun in the car, and walk to the post office. What harm is there in parking a car with a gun locked in the glove box at the post office?

4. Unlawful carrying of a weapon: Texas law generally makes it illegal for you to “carry” a handgun, although there are exceptions. I understand why it’s illegal to use a gun to commit a crime. Why is it illegal simply to have one on your person?

5. Section 922(r): This section prohibits you from using more than a certain number of imported parts, in imported semi-automatic rifles and shotguns. So if you buy a gun that was lawfully imported (like a Saiga-12 shotgun), you can only put so many imported parts into it. Can anyone explain the policy reason for this law? Can anyone explain how such a confusing law can possibly be fair?

6. Sporting Purposes test: This section allows the Attorney General to ban importation of guns he finds are not “particularly suitable for or readily adaptable to sporting purposes.” There is no prohibition on owning or possessing identical guns manufactured in the U.S. BATFE recently reviewed its prior determination that certain shotguns fail to meet this test, coming to the conclusion that they should still be prohibited from importation. Some of these shotguns are widely used in 3-Gun competitions. Why does the AG get to decide whether I will ever have the opportunity to buy imported guns? Why does he have the sole discretion to decide what a gun is suitable for?



7. Short-barreled rifles and shotguns: These items are regulated in the same way as machine guns. To own one, you must apply to ATF and be approved. Your intentions do not matter. It doesn’t matter if you didn’t know the gun was undersized. Incidentally, this law was the purported reason why the federal government went after Randy Weaver. What

benefit does this law produce? Are smaller guns easier to conceal, and thus more suitable to be used for crimes? If so, pistols are a LOT smaller. This law has the absurd consequence that it is a federal crime to put a long barrel on a pistol, or a short barrel on a rifle.

8. So-called Assault Weapons Bans: These laws ban cosmetic features such as pistol grips and flash hidiers, that have virtually no effect on the function of the guns. There was a federal ban in place from 1994 to 2004. Several studies, including one conducted by the federal Center for Disease Control, found no evidence that the ban had any effect on crime. But a lot of innocent people are sitting in prison for violating this law.

9. Gun-Free School Zones: Federal law prohibits anyone from possessing a firearm on the premises of any school, or within 1,000 feet of school premises. Pull out a map of your city and draw a circle around every school, then try to find a legal route you can use through the city with a gun in your car. But wait - the zones are not circles around each school, they extend for 1,000 feet from each part of the school grounds. Was the idea behind this law to create a fair standard so someone could only go to prison if he knowingly violated the law, or to create a random risk that could send law-abiding citizens to prison simply for owning a gun? Assuming the lawmakers acted in good faith when they passed it, this is quite possibly the stupidest law ever passed.

Proposed Legislation: There are a number of really bad ideas being proposed:

<"Universal background checks" means Grandpa goes to prison if he gives his grandson a .22 rifle without getting the government's permission.

<New York's new gun control law bans magazines holding more than seven rounds. The legislature forgot to exempt the police. At least until this is corrected, the government has to live by the same laws they inflict on us.

<Bills have been proposed allowing the government to place you on a "terrorist watch list" that would prohibit you from possessing guns. You may have no right to challenge being on the list, and possibly no right even to find out if you are on the list. Should the government have the right to take away Constitutional rights, with no proof and no right to appeal?

<Now President Obama is suggesting that you must undergo a background check before even entering a gun show. I'm sure any violation will carry a hefty prison sentence. Does this make any sense?

Fair punishment? Another question is whether the penalties for violating the gun laws are fair. The standard penalty for violating the federal gun control laws is a prison term of up to ten years and a fine of up to \$250,000.00. Almost all gun laws are "strict liability" offenses - any violation means you are a convicted felon, facing a long prison sentence and a massive fine, and you forever lose your firearm rights. It doesn't matter if you intended to commit any crime, or if you even knew your conduct was illegal.

Even noncontroversial gun laws can sometimes lead to absurd results. Federal law increases the penalty for any crime when a gun was used. Do we really want a person to be released from prison years earlier, if he used a machete instead of a gun to rob a store, or if he ran his wife over with a car instead of shooting her? This is similar to the whole concept behind "hate crimes" - the law says it's not as bad to murder someone because of greed or jealousy, as opposed to bias against a person's sexual orientation or race.

Continued on page 25

Texas Concealed Handgun License Information

Issuing authority:

Texas Department of Public Safety

Contact agency for out-of-state resident license:

Permits will be granted to qualified applicants from states other than Texas. Call (800) 224-5744 or (512) 424-7293.

States that recognize the Texas license:

Alabama*, Alaska*, Arizona, Arkansas, Colorado*, Delaware*, Florida*, Georgia*, Idaho*, Indiana*, Iowa, Kansas*, Kentucky*, Louisiana*, Michigan*, Minnesota, Mississippi*, Missouri*, Montana*, Nebraska*, New Mexico*, North Carolina*, North Dakota*, Oklahoma*, Pennsylvania*, South Carolina*, South Dakota*, Tennessee*, Utah*, Virginia*, West Virginia, Vermont, Wyoming*

**States With Official Reciprocity Agreements*

Texas recognizes licenses from ALL STATES that issue permits EXCEPT District of Columbia, Illinois, Maine, Minnesota, New Hampshire, Ohio, Oregon, Vermont, and Wisconsin

For applications and renewals, contact:

Concealed Handgun Licensing Section, Texas Department of Public Safety, P O Box 4143, Austin, Texas 78765-4143

Phone: (512) 424-7293 or (512) 424-7294; Helpline: (800) 224-5744. Email DPS at chl@txdps.state.tx.us.

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Continued from page 20

Why do these laws carry such severe penalties? There seems to be an assumption that guns are inherently bad, and anyone who has a gun is doing something wrong. The result is that innocent people have their lives ruined because of innocent mistakes. Is it possible that the intent behind these laws is to make it too difficult and risky for you to own a gun?

Why is it illegal? The law has a principle that distinguishes between acts that are *malum in se* (wrong in itself) and acts that are *malum prohibitum* (wrong because prohibited). In other words, some acts like murder, rape, and theft are deemed to be crimes because they are inherently wrong. Other acts like driving without a license, gambling, and weapon possession are deemed to be crimes "just because we say so." Generally, the law imposes more severe punishments for acts that are inherently wrong. This whole concept is thrown out the window when it comes to gun laws.

Good policy? Whenever Congress considers a bill, it should consider not only the advantages, but also the disadvantages of the law. When it comes to gun control laws, Congress should consider not only if the bill will reduce crime and save lives, but also if it will increase crime and cost lives. Prohibiting a good guy from having a gun will almost always result in a death sentence for a certain number of law-abiding citizens, by creating situations where only the "bad guys" have guns. Congress should also consider whether a new law will ruin the lives of innocent people who had no intention of doing anything wrong.

The next time you hear someone say, "We need to enforce the existing gun laws," remember he or she is arguing that every single one of the 20,000 gun laws is a good law, that its effect will be to save more lives than it will cost, and that the penalties for violating the law are fair. If any of these are not true, then that law is an abomination that should be repealed.

Texas State Rifle Association

License Plate

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information or to place on order please visit
<http://rts.texasonline.state.tx.us>



2013 TSRA Foundation Dinner / Fundraiser

Our 2013 Fundraiser dinner was held on February 22 in Mesquite, and was very successful, raising almost \$20,000 to help fund our Youth Shooting Sports Programs in Texas. The Foundation would like to thank everyone who helped make our event a success, from the table sponsors, cash and merchandise sponsors, as well as all those who volunteered their time both before and during the event. Thanks!

A special thanks to our key merchandise donors:

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We would also like to extend a special thank you to the outgoing TSRA Foundation President Nate Crain, for his invaluable help and leadership the last 3 years. Thanks Nate!

You can support the TSRA Foundation any time!

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