



CAPITOL HALL — REPORT —



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A New Direction for Liberty

On Friday, May 22, the Texas Senate struggled through an hours-long debate on legislation that has set a precedent for protecting Texans' rights to bear arms and to be secure from unreasonable searches. House Bill 910, which I co-sponsored with my colleague Senator Estes, will, if passed into law, allow Texans who have a concealed handgun license the freedom to carry their handgun openly; and they will be able to do so without being stopped by law enforcement solely because they are openly carrying a handgun. Passing this bill out of the Senate has established a fresh precedent in Texas in favor of liberty and personal security. Since the Texas Constitution authorizes the Legislature to regulate "the wearing of arms," the liberty of Texans to bear arms is subject to the regulations created by the Texas Legislature. The "open carry" legislation that passed out of the Senate, as HB910 honors Texans' liberty and IV Amendment right to be secure from warrant-less searches, without the burden of rules created for the small minority of people who commit crimes. Far too often the Legislature seeks to pass laws that sacrifice the liberty of the vast majority for the regulation of a small minority.

During the debate, my friend and colleague Senator Huffines and I led a coalition to add an amendment to HB910 that protects law-abiding Texans from being questioned by law officers solely because they are wearing a handgun in the open. This Liberty Amendment, which a majority of your Senate confirmed, sets a precedent in Texas that protects that most basic and God-given right to be left alone in your daily affairs.

Article 1, Section 9 of the Texas Constitution states:

"The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation."

Amendment IV, Bill of Rights of the U.S. Constitution states:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

These protections provide Texans the same protections that other laws provide which prevent people from being detained by law officers solely because of the color of their skin. It protects Texans from the eventual proclivity of all governments in history to become a "show-me-your-papers" state. Opponents to the amendment declared that it somehow undermines a law officer's ability to investigate suspicious individuals, but of course, that argument assumes that a holstered handgun makes a person suspicious. These Liberty provisions lay no extra burden on law officers and requires no more of them than what is currently the common practice. It in no way impairs their ability to investigate individuals who are truly showing suspicious behavior, not those wearing a handgun in the open as they walk their dog, drink their coffee, or play with their children in a park.

I am excited about the legal precedents in HB910 because they direct our state in a new direction, toward regard for individual liberty and personal responsibility and away from "nanny-state" intrusions that have yet to show empirical evidence of their worth. We too quickly grasp perceived solutions to placate a small minority without regard to the heavy burden we blindly levy on the vast majority. It is time we stop sacrificing liberty, on the altar of convenience.