

**SUBJECT:** Allowing foster parents to carry weapons in their vehicles

**COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended

**VOTE:** 7 ayes — S. Miller, Fletcher, Beck, Burnam, Driver, Flynn, Peña  
0 nays  
2 absent — Mallory Caraway, Walle

**WITNESSES:** For — Tony Jeter  
Against — None  
On — Michele Adams, Department of Family and Protective Services

**BACKGROUND:** In 2007, the 80th Legislature enacted SB 322 by Deuell to prevent Department of Family and Protective Services (DFPS) from prohibiting the possession of lawfully permitted firearms and ammunition in foster homes.

Penal Code, sec. 46.03 prohibits a person from intentionally, knowingly, or recklessly possessing a firearm, illegal knife, club, or other prohibited weapon. A violation is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Government Code, ch. 411 permits Texans to obtain concealed handgun licenses upon successfully completing an application through the Department of Public Safety, including a criminal background check and completing a firearms proficiency course.

**DIGEST:** CSHB 2560 would prohibit DFPS from prohibiting a foster parent with a concealed handgun license from carrying the handgun while transporting a foster child in a vehicle if the gun was in the possession and control of the foster parent.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 2560 would address a gray area created when the 80th Legislature enacted SB 322 to allow foster parents to keep firearms and ammunition securely in their homes. Law-abiding families, particularly those who have met the strict standards for concealed handgun licenses, should not have their Second Amendment right to bear arms limited by bureaucratic restrictions. Responsible gun owners who serve as foster parents take precautions to provide for the safety of children in their care.

Foster parents should enjoy the same rights as parents with their own or adopted children to carry their weapons with them when they are riding in the car, SUV, or truck with their foster children.

**OPPONENTS  
SAY:**

CSHB 2560 is unnecessary. Foster parents already are permitted to have their weapons in their vehicles when hunting or enjoying other recreational activities with their foster children. No DFPS rules currently prohibit carrying of handguns.