

AR 29: In Support of Authorizing the Co-signing of a Brief as *Amicus Curiae* in *D'Cruz v. McCraw*, 10 Civ. 141 (N.D. Tex. 2010), and In Support of the Minimum Age for Concealed Handgun Licenses and Firearms Purchase

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Sponsors: Representatives John O. Woods, Nicole Bartel

passed 11/30/2011

WHEREAS, Both the Student Government and the Graduate Student Assembly at The University of Texas at Austin voted overwhelmingly in support of maintaining the existing campus handgun ban¹, as have previous assemblies²; and,

WHEREAS, A bill (H.B. 86) has been pre-filed in the Texas House of Representatives that would not only decriminalize the carrying of firearms on college campuses but also deny higher education institutions the right of self-governance;³ and,

WHEREAS, The minimum age in Texas for obtaining a Concealed Handgun License (CHL) is currently twenty-one years, except for those currently serving or honorably discharged from the military, for whom the minimum age is eighteen years;⁴ and,

WHEREAS, The minimum age requirement is frequently a factor in discussions of concealed carry laws in general, and especially those policies specific to college campuses;⁵ and those individuals advocating for guns on campus frequently cite the minimum age in interviews;⁶ and,

WHEREAS, Our society recognizes, in its laws and policies, the relationship between age and maturity (specifically responsibility, perspective, and temperance); and acknowledgement of this

¹[wnloads/legis/525.doc](http://www.utgraduatestudentassembly.org/download_doc.php?id=462)>, G.R. 10 (F) 6

<http://www.utgraduatestudentassembly.org/download_doc.php?id=462>

²A.R. 7 (2008-09) <<http://www.utexas.edu/studentgov/downloads/legis/174.doc>>, A.R. 2 (2009-10) <<http://www.utexas.edu/studentgov/downloads/legis/260.doc>>, GSA Minutes 1/21/09

<http://www.utgraduatestudentassembly.org/download_doc.php?id=87>

³Simpson, David. TX 82(R) H.B. 86.

<<http://www.legis.state.tx.us/tlodocs/82R/billtext/html/HB00086I.htm>>

⁴"Welcome: Concealed Handgun Licensing."

<<https://www.texasonline.state.tx.us/txapp/txdps/chl/>>

⁵Google Search: "concealed carry campus age 21" on 24 Nov 2010.

<http://www.google.com/search?sourceid=chrome&ie=UTF-8&q=concealed+carry+minimum+age#sclient=psy&hl=en&safe=off&q=concealed+carry+campus+age+21&aq=f&aql=&oq=&gs_rfai=&pbx=1&fp=74b11d96122089a2>

⁶For example, see this interview with W. Scott Lewis, spokesperson for Students for Concealed Carry on Campus (Transcript:

<http://www.erinoconnor.org/archives/2009/03/students_for_co.html>, YouTube:

<<http://www.youtube.com/watch?v=W4loUbdtnCs>>).

relationship is enshrined in the United States Constitution⁷ as well as the Texas Constitution⁸; and,

WHEREAS, An eighteen year-old Texas resident recently filed a civil suit in the District Court in Lubbock against individuals in the Texas Department of Public Safety and the Texas Public Safety Commission;⁹ and a separate suit against the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Department of Justice;¹⁰ and these suits seek to lower the minimum ages for CHL and handgun purchase, respectively, to eighteen;¹¹ and,

WHEREAS, The Brady Center to Prevent Gun Violence is filing briefs as *amicus curiae* in both cases;¹² and,

WHEREAS, The decisions of the District Court in one or both cases will impact campus weapons policy at The University of Texas at Austin and throughout the System, particularly given H.B. 86 and the upcoming legislative session; therefore,

BE IT RESOLVED, That Student Government at The University of Texas at Austin believes the minimum age for concealed handgun licensing and handgun purchases should not be lowered, in light of recent and ongoing legislative efforts to relax the existing college campus handgun ban; and,

BE IT FURTHER RESOLVED, That Student Government recommends that The University of Texas at Austin and The University of Texas System take steps to either co-sign the Brady Center briefs or offer separate briefs on one or both cases, and especially on the CHL suit; and,

BE IT FURTHER RESOLVED, That Student Government directs the Executive Board to co-sign the Brady Center *amicus* briefs for *D'Cruz v. McCraw* and *D'Cruz v. BATFE*, and/or any briefs filed by The University of Texas at Austin or The University of Texas System on these lawsuits; and,

BE IT FURTHER RESOLVED, That Student Government of The University of Texas at Austin recommends that the Texas Legislature consider H.B. 86 in light of *D'Cruz v. McCraw*; and,

⁷Article I, Section 2, Paragraph 2; Article I, Section 3, Paragraph 3; Article II, Section 1, Paragraph 5 (which also indicates that age is distinct from length of residency); *etc.*

⁸Article III, Section 6 and 7; Article IV, Section 4 (which also indicates that age is distinct from length of residency); Article V, Section 1(a)(2); *etc.*

⁹*D'Cruz v. McCraw*, 10 Civ. 141 (N.D. Tex. 2010). <<http://www.scribd.com/doc/37107046/D-Cruz-v-McCraw-Complaint>>

¹⁰*D'Cruz v. BATFE*, 10 Civ. 140 (N.D. Tex. 2010). <<http://www.scribd.com/doc/37107009/D-Cruz-v-BATFE-Complaint>>

¹¹Brady Center Legal Docket, Nov 2010. p. 45.

<<http://www.bradycenter.org/xshare/pdf/lap/cases/currentdocket.pdf>>.

¹²Personal communication, Dan Vice.

BE IT FURTHER RESOLVED, That official copies of this resolution be sent to the Office of the Chancellor, the Office of the General Counsel, and the Office of Governmental Relations of The University of Texas System; and the Office of the President and the Office of Governmental Relations of The University of Texas at Austin.
