

NATIONAL RIFLE ASSOCIATION OF AMERICA
POLITICAL VICTORY FUND
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NRA-PVF

2012 TEXAS CANDIDATE QUESTIONNAIRE

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For further information on Texas firearm laws,
please visit www.NRAILA.org and click on the "gun laws" feature located in the menu.

1. Do you agree that the Second Amendment to the United States Constitution guarantees a fundamental, individual right to keep and bear arms that applies to all Americans, regardless of where they live in the United States?

- a. Yes.
 b. No.

2. Article I, Section 23 of the Texas Constitution states, "Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime." Do you agree that the Texas Constitution guarantees an individual right to keep and bear arms?

- a. Yes.
 b. No.

3. Considering current Texas firearm laws, do you support any additional restrictive state legislation regulating firearms?

- a. Yes, on all firearms.
 b. Yes, on some firearms. Please specify types of firearms: _____
 c. No, current state firearm laws are sufficient.
 d. No, current state firearm laws should be improved for Texas' law-abiding gun owners and sportsmen.

4. In 1994, Congress imposed a ten-year ban on the manufacture, for sale to private individuals, of various semi-automatic* firearms it termed "assault weapons", and of ammunition magazines capable of holding more than ten rounds of ammunition, which primarily affected handguns designed for self-defense. Congress' subsequent study of the ban, as well as state and local law enforcement agency reports, showed that contrary to the ban supporters' claims, the guns and magazines had never been used in more than about 1%-2% of violent crime. Since this ban expired in 2004, the numbers of these firearms and magazines owned have risen to all-time highs and violent crime has fallen to a 35-year low. **Would you support state legislation restricting the private possession, ownership, purchase, sale, and/or transfer of semi-automatic firearms and/or limits on the capacity of magazines designed for self-defense?**

* Semi-automatic firearms have been commonly used for hunting, target shooting, and self-defense since their introduction in the late 1800s. All semi-automatics fire only one shot when the trigger is pulled. They are not fully-automatic machine guns, which have been strictly regulated under federal law since 1934.

- a. Yes, I would support such legislation for semi-automatic firearms only.
 b. Yes, I would support such legislation for magazines only.
 c. Yes, I would support such legislation for semi-automatic firearms and magazines.
 d. No, I would oppose such legislation.

5. Under the guise of "crime control," anti-gun groups promote state legislation to mandate the use of certain technologies on firearms and ammunition sold. "Ballistic imaging" laws would require every gun to be test fired prior to sale and "fingerprinted" for entry into a law enforcement database. In March 2008, the National Academy of Sciences concluded that "[T]he validity of the fundamental assumptions of uniqueness and reproducibility of firearms-related toolmarks has not yet been fully established." Gun control advocates also promote bills requiring gun manufacturers to incorporate "micro-stamping" technology into each handgun sold, so that it imprints identifying information about the firearm onto a cartridge case when fired, and requiring ammunition manufacturers to "encode" each cartridge produced by imprinting a unique serial number on the case and base of the bullet for entry upon sale into a state database. These proposals rely on unproven technology, which would significantly drive up the cost of producing firearms and ammunition and have limited crime-fighting utility (a tiny fraction of legally-purchased firearms and ammunition are ever used in crimes). **Would you support legislation mandating the ballistic imaging of firearms, micro-stamping of cartridge cases, or encoding of ammunition before sales could lawfully take place in Texas?**

- a. No, I would oppose legislation mandating ballistic imaging, micro-stamping and ammunition encoding.
 b. Yes, I would support mandatory ballistic imaging, micro-stamping and ammunition encoding.

6. Federal law requires all licensed firearms dealers to conduct a criminal records check prior to the sale of any firearm, whether the sale occurs at their retail store or at a gun show. Access to FBI's telephone-based "instant check" system is limited to licensed dealers only. Under federal law, individuals who only occasionally sell firearms from personal collections are not "engaged in the business" and are therefore (1) not required to be licensed; (2) not required to conduct records checks prior to transferring firearms; and (3) not permitted to access the records check system used by licensed dealers. Although less than one percent of guns used in crimes are purchased at gun shows (Department of Justice, Bureau of Statistics), gun control advocates aim to ban firearms sales at gun shows by occasional sellers and private collectors or require that any transactions involving their legal property be conducted through a licensed dealer. That would be the same as prohibiting you from selling your own used vehicle and requiring you to transfer title through an auto dealership. **Would you support legislation restricting firearms sales by occasional sellers and private collectors at gun shows?**

- a. Yes, I would support such legislation. Please explain: _____
 b. No, I would oppose such legislation.

7. In 1995, Texas enacted legislation permitting law-abiding citizens who pass a criminal record check and complete a state-approved training course to be issued a Concealed Handgun License (CHL) for personal protection. The Texas Department of Public Safety reports that there are nearly half a million active licenses in the state. In the most recent year for which statistics are available, 102,133 licenses were issued or renewed, while only 610 were revoked for any reason. Despite these extremely favorable statistics, several bills have been introduced in recent sessions of the Texas Legislature to further restrict CHL applicants and where license holders may lawfully carry. **Would you support legislation placing any additional restrictions on CHL applicants or license holders?**

- a. Yes, I would support additional restrictions. Please explain: _____
 b. No, I would oppose any additional restrictions on CHL applicants or license holders.

8. Texas law contains a firearm preemption provision guaranteeing that the state occupies the entire field of firearms regulation. Preemption provides a uniform set of state firearm laws and prevents municipalities from enacting a patchwork of confusing and arbitrary local restrictions across the state. In 2003, SB 501 was enacted, closing a loophole in the state criminal trespass law that city and county governments were using to post signs banning CHLs in their buildings and on their premises. However, many of these signs remain posted at these locations because there is no sanction for non-compliance with state law. This creates confusion for licensees, as most of these locations are not otherwise off-limits under the state concealed carry law. **Would you support legislation requiring political subdivisions of the state to remove these signs or face civil penalties for failing to do so?**

- a. Yes, I would support such legislation.
 b. No, I would oppose such legislation. Please explain: _____

9. Senate Bill 321, enacted during the 2011 legislative session, took effect on September 1. This new law prohibits most public and private employers from enacting and enforcing bans on employees transporting and storing lawfully-owned firearms in their locked, private motor vehicles while parked at work. The measure recognizes that hard-working Texans' right to self-defense does not end when they drive onto their employer's property, and it honors the strong sporting culture of the Lone Star State where employees often hunt or visit the local gun club before or after work. It also grants employers immunity from liability for complying with the statute and allows them to continue regulating the presence of firearms inside the physical workplace. **Do you support this NRA- and TSRA-backed law?**

- a. (For incumbents) Yes, I supported this bill and continue to support this law.
 b. (For non-incumbents) Yes, I would have supported this bill and will continue to support this law.
 c. No, I do not support this law. Please explain: _____

10. In 2007, Senate Bill 378, otherwise known as "Castle Doctrine" legislation, was enacted. The measure included important reforms to the Texas Penal Code that (1) established a presumption in law that the use of force, including deadly force, is reasonable against a criminal attempting to unlawfully and forcefully enter an occupied home, vehicle, or place of business or employment; (2) clarified that a person who is in a place where he or she has a right to be, who is not engaged in criminal activity, and who has not provoked an attack has no "duty to retreat" from a violent encounter; and (3) protected victims from lawsuits filed by their injured criminal attackers if the force they used to ward off an attack was used in accordance with the law. **Do you support this NRA- and TSRA-backed law?**

- a. (For incumbents) Yes, I supported this bill and continue to support this law.
- b. (For non-incumbents) Yes, I would have supported this bill and will continue to support this law.
- c. No, I do not support this law. Please explain: _____

11. In 2007, House Bill 1815 was enacted. This law clarifies that it is not illegal for an individual to carry a handgun in a motor vehicle owned by that person or under that person's control if (1) the handgun remains concealed; (2) the person is not prohibited by law from possessing a firearm; (3) the person is not engaged in criminal activity at the time (other than committing a traffic violation); and (4) the person is not a member of a criminal street gang (as defined in the Texas Penal Code). This was a culmination of ten years of legislative attempts to clarify the state's "traveling" law, which had been confusing to both motorists and law enforcement. **Do you support this NRA- and TSRA-backed law?**

- a. (For incumbents) Yes, I supported this bill and continue to support this law.
- b. (For non-incumbents) Yes, I would have supported this bill and will continue to support this law.
- c. No, I do not support this law. Please explain: _____

12. Some law enforcement departments have been destroying confiscated or surrendered sporting and self-defense firearms, as well as outdated department firearms, when these firearms are legal products that have value and could be sold or auctioned to a federal firearm licensed (FFL) dealer. **Would you support legislation requiring law enforcement departments to auction or sell firearms collected by them to FFL dealers?**

- a. Yes, I would support such legislation.
- b. No, I oppose such legislation. Please explain: _____

13. The Texas Penal Code prohibits the possession of firearms on the physical premises of schools and educational institutions ("*premises*" means "*building or portion of a building*" and does not include public or private driveways, streets, sidewalks or walkways, parking lots, parking garages, or other parking areas). This ban extends to Concealed Handgun Licensees (CHLs) and includes college and university campuses. **Assuming each classification of individuals listed below possessed valid CHLs, who do you believe should legally be allowed to carry a concealed handgun for protection on college and university campuses?**

- a. All law-abiding persons, including visitors, faculty, staff and students.
- b. Visitors, faculty, staff and *some* students. Please explain: _____
- c. Visitors, faculty and staff.
- d. Faculty, staff and students.
- e. Faculty and staff.
- f. Each college and university should determine the policy for its campus.
- g. Current law should remain intact.

14. **Which of the following best describes your attitude toward hunting?**

- a. Hunting is an essential tool for wildlife management and conservation as well as a great American tradition that teaches young people responsibility and deep respect for the outdoors.
- b. Hunting should be made illegal.
- c. Other. Please explain: _____

15. Several states are considering legislation to allow the use of legally-owned firearm suppressors for hunting, including big game. Texas currently allows suppressors for taking nongame species, but extending the use of suppressors to game species would significantly help to protect sportsmen's hearing and reduce noise complaints. Suppressors are strictly regulated under federal law: in order to legally possess one, you must pay a \$200 tax to the federal Bureau of Alcohol, Tobacco, Firearms & Explosives, submit to an extensive background check that includes fingerprinting, and obtain permission from the locality's chief local law enforcement officer. **Would you support allowing the use of lawfully-owned suppressors while legally hunting any game species?**

- a. Yes, I would support such legislation.
- b. No, I would oppose such legislation. Please explain: _____

16. A number of states have passed constitutional amendments recognizing the citizens' right to hunt and fish in an effort to protect these essential American traditions from relentless attacks by animal "rights" activists. Urbanization of the state's population and influx of newcomers from states like California could threaten the future of right to hunt and fish. In order to protect this important heritage from unreasonable regulations and prohibitions, **would you support a meaningful constitutional amendment protecting the Right to Hunt and Fish in the future stating: "The citizens of this State have a right to hunt, fish, and harvest wildlife, including the use of traditional means and methods, subject only to regulations as prescribed by the Texas Legislature and a parks and wildlife agency to promote sound wildlife conservation and management and preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of common law or statutes relating to trespass or property rights"?**

- a. Yes, I would support a truly meaningful Right to Hunt and Fish amendment in Texas.
 b. No. Please explain: _____

17. Are you a member of the National Rifle Association, the Texas State Rifle Association or any other sporting organization?

- a. Yes. Please provide membership number: 186760601
 b. No.

18. Are you a Concealed Handgun Licensee (CHL)?

- a. Yes.
 b. No.

19. (For non-incumbents only) Have you ever run for or held a local, state or federal elective office?

- a. Yes. Please specify: _____
 b. No.

20. Which committees are you interested in serving on if elected?

Please list: Ways + Means, Veteran Affairs

Please use the space below for additional comments that you would like to make.
If your campaign has released a position paper on firearms issues, please feel free to include it as well.
Thank you for your time and consideration.

--AUTHORIZATION--

This signature attests that the above information accurately represents the views of the candidate.

Candidate's Signature [Signature] Date 4/9/12