



# THE FLYNN REPORT

*March 16, 2007*

**Greetings Friends, Constitutes and Supporters:**

**With the 80th Legislative session approaching the half way point the Texas Legislature this week overwhelmingly passed two important issues to retain parent's right to make health care decisions for their children and to take a stand to increase penalties for child molesters.**

**Previous to Monday's date only items deemed to be emergency items by the Governor could be heard and voted. We will now be hearing, voting and debating the nearly six thousand bills that have been filed. We were unable to begin sooner by suspending the rules (as the legislature has done since the 1930s) because the minority was successful in blocking this procedural vote. I feel only a limited number of these bills will be acted upon. Most feel this is a good thing however, it also means some very important local matters might not be able to be acted upon.**

**The Texas House of Representatives overwhelmingly voted to rescind Governor Rick Perry's executive mandate requiring all girls entering the sixth grade and attending public schools in Texas be vaccinated for Human Papillomavirus (HPV). The margin of victory is large enough to override a Governor's veto and sends a clear message of the discontent among House members with the executive order that was announced in early February. A spokesperson for Governor Perry said the Governor disagreed with the House's action.**

**Many of the members have indicated they were not opposed to the HPV vaccine but mandating the vaccine without input from the legislature or allowing parents to decide what is best for their children is not good public policy. The drug was approved by the FDA only eight months before it was mandated. The vaccine could affect the future health of our**

**young girls and I believe it was unwise to mandate it. I see it, as sending a message to families that we know it may not be safe when questions remain concerning its effectiveness and long-term implications. Parents may still be able to voluntarily allow their children to be vaccinated for HPV if they choose.**

**This week House Bill 8 (HB 8), better known as Jessica's Law, was approved by an overwhelming majority of the House members. (Jessica's Law so named because of the nine-year-old Florida girl, Jessica Lansford who was abducted, sexually assaulted and brutally murdered by a man who had previously been convicted of a sexual assault against a child, but who had been released by a lenient criminal justice system.) The bill sends a strong message to sex offenders of the enormous value we place on our children and that violence and abuse will not be tolerated. It provides a 25-year minimum sentence for those who molest children, and the death penalty or life in prison without parole for those who do it twice by making a second conviction of a sexually violent offense against a child a capital felony. The bill also creates a new offense for continuous abuse of a child as well as certain provisions protecting teenagers from being prosecuted for consensual sexual relations.**

**The legislation passed with an overwhelming vote is currently pending and awaiting the similar bill that was also passed by the Senate.**

**Several bills I have been working on that are of interest and important to the citizens of House District 2 include: HB 346 which will require mandatory, random steroid testing of public high school athletes, it was heard in the Public Education Committee, went very well and I anticipate presenting it on the House Floor in the near future.**

**We are having progress on my HB 330, which cracks down on 8-liner game rooms. Local prosecutors and law enforcement groups continue to assist us in our efforts. We are working with each committee member as well as stakeholders, to reach a potential solution and help move this bill along to solve concerns.**

**I am also working on HB 1741, which provides for Economic Development and Capital Investments in rural Texas and for small, start up businesses in underserved areas, I hope to get this bill out of House Committee on Insurance early next week.**

**A special Joint Select Committee of both the Senate and the House has been appointed to look into the Texas Youth Commission (TYC) operations due to the reported alleged abuses at the TYC facilities. The Agency has been under scrutiny immediately after a report of sexual abuse at one of the schools was revealed. A full investigation is under way and recommendation will be made to the Governor and the Legislature to correct these serious allegations.**

**The House began debate this week on a measure that would eliminate the Telecommunications Infrastructure Fund (TIF) tax. This tax was originally imposed for ten years on wireless and landline telephone service to fund the installation of communications infrastructure at libraries, schools, and other similar public institutions. That goal was achieved in 2003 and the tax was to end. The Legislature extended the tax through 2011, diverting over \$200 million per year into general revenue. The debate on the issue was postponed until next week as some members do not want to do away with this tax even though it would lower their constituents telecommunications bills. Nevertheless, I do not see the justification for keeping the TIF tax and believe it should be repealed. There appears to be a will in the House to finally eliminate this tax.**

**Another important bill that was debated before the House this week was House Bill 284 (CSHB 284). This bill will expand the "castle doctrine" to cover not only the home but vehicles, work places, and businesses. It is believed that in modern times people spend increasingly more of their time in these places and should have the same protections and justifications for self-defense they now have at home.**

**Before 1973, Texas did not impose a duty to retreat. In 1973, the Legislature amended the Penal Code to permit the use of deadly force only if a reasonable person in the situation would not have retreated. The effect was to place on the victim the burden of retreating in the face of an impending attack unless a reasonable person would not have done so. This change reversed a longstanding practice of recognizing the right of people to stand their ground in the face of attack. CSHB 284 would confirm this belief and return Texas law to this traditional understanding.**

**CSHB 284 will align Texas with an increasing number of states that have lessened or replaced the duty to retreat since 2006; it also would create a presumption of reasonableness for a person's belief that the use of force or deadly force to protect that person was immediately necessary. This shifts the burden from the victim back to the aggressor by granting**

victims, under certain circumstances, a presumption of reasonableness in their belief that the use of force or deadly force was immediately necessary. In addition, removing civil liability would allow victims to focus on defending themselves and their families instead of thinking about potential lawsuits.

The Texas House Republican Caucus announced the members of its 2007 Republican Caucus Policy Committee. The Policy Committee reviews pending legislation and makes daily recommendations to the full caucus. The Committee elected Rep. Larry Taylor a solid conservative as Chairman. I was honored to again be selected for my third session to serve on this important committee along with Rep. Wayne Christian, Rep. Gary Elkins, Rep. Jim Murphy, Rep. Fred Hill, Rep. Jodie Laubenberg, Rep. Jimmie Don Aycock, and Rep. Rob Orr. Additional members of the Caucus are invited and encouraged to attend the daily meetings and participate in reviewing bills before the House to provide input and assure the members of this important part of realizing the common-sense conservative agenda that the people of Texas expect. Members of the policy committee are elected by the Caucus for their ability, passion and dedication toward advancing the Conservative Republican Agenda.

We continue to welcome your input and your questions. Contact our office located in the Capitol extension: E1.302. Mailing address: P. O. Box 2910, Austin, TX 78768. Email [District2.Flynn@house.state.tx.us](mailto:District2.Flynn@house.state.tx.us). Toll free number 1-800-734-9515.

May God bless you and our great state of Texas,

Dan Flynn  
State Representative, District 2

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