

By: Landgraf

H.B. No. 103

A BILL TO BE ENTITLED

AN ACT

relating to establishment of the Texas Active Shooter Alert System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the "Leilah Hernandez Act."

SECTION 2. Chapter 411, Government Code, is amended by adding Subchapter L-1 to read as follows:

SUBCHAPTER L-1. TEXAS ACTIVE SHOOTER ALERT SYSTEM

Sec. 411.371. DEFINITION. In this subchapter, "alert system" means the Texas Active Shooter Alert System established under this subchapter.

Sec. 411.372. DEVELOPMENT AND IMPLEMENTATION OF ALERT SYSTEM. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement an alert system to be activated on report of an active shooter.

Sec. 411.373. ADMINISTRATION. (a) The director is the statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.

(c) The director shall prescribe forms for local law

1 enforcement agencies to use in requesting activation of the alert
2 system.

3 Sec. 411.374. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The
4 department shall recruit public and commercial television and radio
5 broadcasters, mobile telephone service providers, private
6 commercial entities, state or local governmental entities, the
7 public, and other appropriate persons to assist in developing and
8 implementing the alert system.

9 (b) The department may enter into agreements with
10 participants in the alert system to provide necessary support for
11 the alert system.

12 Sec. 411.375. ACTIVATION. (a) On the request of a local law
13 enforcement agency regarding an active shooter, the department
14 shall activate the alert system in a 50-mile radius of the active
15 shooter's location and notify appropriate participants in the alert
16 system as established by rule if the local law enforcement agency:

17 (1) believes an active shooter is in the agency's
18 jurisdiction;

19 (2) determines an active shooter alert would assist
20 individuals near the active shooter's location;

21 (3) verifies the active shooter situation through a
22 preliminary investigation; and

23 (4) provides the department with the active shooter's
24 last known location and any identifiable information for the active
25 shooter.

26 (b) The department may modify the criteria described by
27 Subsection (a) as necessary for the proper implementation of the

1 alert system.

2 Sec. 411.376. LOCAL LAW ENFORCEMENT AGENCIES. Before
3 requesting activation of the alert system, a local law enforcement
4 agency must verify that the criteria described by Section
5 411.375(a) have been satisfied. On verification of the applicable
6 criteria, the local law enforcement agency may immediately contact
7 the department to request activation and supply the necessary
8 information on forms prescribed by the director.

9 Sec. 411.377. STATE AGENCIES. (a) A state agency
10 participating in the alert system shall:

11 (1) cooperate with the department and assist in
12 developing and implementing the alert system; and

13 (2) establish a plan for providing relevant
14 information to its officers, investigators, or employees, as
15 appropriate, on activation of the alert system.

16 (b) In addition to its duties as a state agency under
17 Subsection (a), the Texas Department of Transportation shall
18 establish a plan for providing relevant information to the public
19 within 50 miles of an active shooter for which an alert has been
20 issued through an existing system of dynamic message signs located
21 across the state.

22 Sec. 411.378. TERMINATION. The director shall terminate
23 any activation of the alert system for a particular active shooter
24 if:

25 (1) the active shooter situation is resolved; or

26 (2) the director determines the alert system is no
27 longer an effective tool for providing relevant information to the

1 public about the active shooter.

2 SECTION 3. As soon as practicable after the effective date
3 of this Act, the public safety director of the Department of Public
4 Safety of the State of Texas shall adopt rules and issue directives
5 necessary to implement Subchapter L-1, Chapter 411, Government
6 Code, as added by this Act.

7 SECTION 4. This Act takes effect September 1, 2021.