By:  Landgraf, et al. (Senate Sponsor - Zaffirini) H.B. No. 103

(In the Senate - Received from the House April 8, 2021; April 12, 2021, read first time and referred to Committee on Criminal Justice; May 6, 2021, reported favorably by the following vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols                   X

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

Sec. 411.374.  DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The department shall recruit public and commercial television and radio broadcasters, mobile telephone service providers by use of the federal Wireless Emergency Alert system, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

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

Sec. 411.375.  ACTIVATION. (a) On the request of a local law enforcement agency or as the department determines appropriate to assist a local law enforcement agency regarding an active shooter, the department shall activate the alert system and notify appropriate participants in the alert system as established by rule if the local law enforcement agency or department:

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

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

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

(4)  provides the active shooter's last known location and any identifiable information for the active shooter.

(b)  The department may modify the criteria described by Subsection (a) as necessary for the proper implementation of the alert system.

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

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

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

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

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

Sec. 411.378.  LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.377(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if the Texas Department of Transportation receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Sec. 411.379.  TERMINATION. The director shall terminate any activation of the alert system for a particular active shooter if:

(1)  the active shooter situation is resolved; or

(2)  the director or a local law enforcement agency determines the alert system is no longer an effective tool for providing relevant information to the public about the active shooter.

Sec. 411.380.  LIMITATION OF LIABILITY. The department or a local law enforcement agency is not liable for failure to activate the alert system.

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

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

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