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et al.

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 by use of the  
6 federal Wireless Emergency Alert system, private commercial  
7 entities, state or local governmental entities, the public, and  
8 other appropriate persons to assist in developing and implementing  
9 the alert system.

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

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

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

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

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

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

27 (b) The department may modify the criteria described by

1 Subsection (a) as necessary for the proper implementation of the  
2 alert system.

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

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

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

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

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

23 Sec. 411.378. LIMITATION ON PARTICIPATION BY TEXAS  
24 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.377(b),  
25 the Texas Department of Transportation is not required to use any  
26 existing system of dynamic message signs in a statewide alert  
27 system created under this subchapter if the Texas Department of

1 Transportation receives notice from the United States Department of  
2 Transportation Federal Highway Administration that the use of the  
3 signs would result in the loss of federal highway funding or other  
4 punitive actions taken against this state due to noncompliance with  
5 federal laws, regulations, or policies.

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

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

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

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

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

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