

By: Landgraf, Meyer, Guillen, Kuempel

H.B. No. 103

Substitute the following for H.B. No. 103:

By: White

C.S.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 regarding an active shooter, the department
15 shall activate the alert system in a 50-mile radius of the active
16 shooter's location and notify appropriate participants in the alert
17 system as established by rule if the local law enforcement agency:

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

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

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

24 (4) provides the department with the active shooter's
25 last known location and any identifiable information for the active
26 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 determines the alert system is no
11 longer an effective tool for providing relevant information to the
12 public about the active shooter.

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

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