

1-1 By: Landgraf, et al. (Senate Sponsor - Zaffirini) H.B. No. 103  
 1-2 (In the Senate - Received from the House April 8, 2021;  
 1-3 April 12, 2021, read first time and referred to Committee on  
 1-4 Criminal Justice; May 6, 2021, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to establishment of the Texas Active Shooter Alert System.  
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-19 SECTION 1. This Act may be cited as the "Leilah Hernandez  
 1-20 Act."  
 1-21 SECTION 2. Chapter 411, Government Code, is amended by  
 1-22 adding Subchapter L-1 to read as follows:  
 1-23 SUBCHAPTER L-1. TEXAS ACTIVE SHOOTER ALERT SYSTEM  
 1-24 Sec. 411.371. DEFINITION. In this subchapter, "alert  
 1-25 system" means the Texas Active Shooter Alert System established  
 1-26 under this subchapter.  
 1-27 Sec. 411.372. DEVELOPMENT AND IMPLEMENTATION OF ALERT  
 1-28 SYSTEM. With the cooperation of the Texas Department of  
 1-29 Transportation, the office of the governor, and other appropriate  
 1-30 law enforcement agencies in this state, the department shall  
 1-31 develop and implement an alert system to be activated on report of  
 1-32 an active shooter.  
 1-33 Sec. 411.373. ADMINISTRATION. (a) The director is the  
 1-34 statewide coordinator of the alert system.  
 1-35 (b) The director shall adopt rules and issue directives as  
 1-36 necessary to ensure proper implementation of the alert system. The  
 1-37 rules and directives must include instructions on the procedures  
 1-38 for activating and deactivating the alert system.  
 1-39 (c) The director shall prescribe forms for local law  
 1-40 enforcement agencies to use in requesting activation of the alert  
 1-41 system.  
 1-42 Sec. 411.374. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The  
 1-43 department shall recruit public and commercial television and radio  
 1-44 broadcasters, mobile telephone service providers by use of the  
 1-45 federal Wireless Emergency Alert system, private commercial  
 1-46 entities, state or local governmental entities, the public, and  
 1-47 other appropriate persons to assist in developing and implementing  
 1-48 the alert system.  
 1-49 (b) The department may enter into agreements with  
 1-50 participants in the alert system to provide necessary support for  
 1-51 the alert system.  
 1-52 Sec. 411.375. ACTIVATION. (a) On the request of a local law  
 1-53 enforcement agency or as the department determines appropriate to  
 1-54 assist a local law enforcement agency regarding an active shooter,  
 1-55 the department shall activate the alert system and notify  
 1-56 appropriate participants in the alert system as established by rule  
 1-57 if the local law enforcement agency or department:  
 1-58 (1) believes an active shooter is in the agency's  
 1-59 jurisdiction;  
 1-60 (2) determines an active shooter alert would assist  
 1-61 individuals near the active shooter's location;

2-1 (3) verifies the active shooter situation through a  
2-2 preliminary investigation; and

2-3 (4) provides the active shooter's last known location  
2-4 and any identifiable information for the active shooter.

2-5 (b) The department may modify the criteria described by  
2-6 Subsection (a) as necessary for the proper implementation of the  
2-7 alert system.

2-8 Sec. 411.376. LOCAL LAW ENFORCEMENT AGENCIES. Before  
2-9 requesting activation of the alert system, a local law enforcement  
2-10 agency must verify that the criteria described by Section  
2-11 411.375(a) have been satisfied. On verification of the applicable  
2-12 criteria, the local law enforcement agency may immediately contact  
2-13 the department to request activation and supply the necessary  
2-14 information on forms prescribed by the director.

2-15 Sec. 411.377. STATE AGENCIES. (a) A state agency  
2-16 participating in the alert system shall:

2-17 (1) cooperate with the department and assist in  
2-18 developing and implementing the alert system; and

2-19 (2) establish a plan for providing relevant  
2-20 information to its officers, investigators, or employees, as  
2-21 appropriate, on activation of the alert system.

2-22 (b) In addition to its duties as a state agency under  
2-23 Subsection (a), the Texas Department of Transportation shall  
2-24 establish a plan for providing relevant information to the public  
2-25 within 50 miles of an active shooter for which an alert has been  
2-26 issued through an existing system of dynamic message signs located  
2-27 across the state.

2-28 Sec. 411.378. LIMITATION ON PARTICIPATION BY TEXAS  
2-29 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.377(b),  
2-30 the Texas Department of Transportation is not required to use any  
2-31 existing system of dynamic message signs in a statewide alert  
2-32 system created under this subchapter if the Texas Department of  
2-33 Transportation receives notice from the United States Department of  
2-34 Transportation Federal Highway Administration that the use of the  
2-35 signs would result in the loss of federal highway funding or other  
2-36 punitive actions taken against this state due to noncompliance with  
2-37 federal laws, regulations, or policies.

2-38 Sec. 411.379. TERMINATION. The director shall terminate  
2-39 any activation of the alert system for a particular active shooter  
2-40 if:

2-41 (1) the active shooter situation is resolved; or

2-42 (2) the director or a local law enforcement agency  
2-43 determines the alert system is no longer an effective tool for  
2-44 providing relevant information to the public about the active  
2-45 shooter.

2-46 Sec. 411.380. LIMITATION OF LIABILITY. The department or a  
2-47 local law enforcement agency is not liable for failure to activate  
2-48 the alert system.

2-49 SECTION 3. As soon as practicable after the effective date  
2-50 of this Act, the public safety director of the Department of Public  
2-51 Safety of the State of Texas shall adopt rules and issue directives  
2-52 necessary to implement Subchapter L-1, Chapter 411, Government  
2-53 Code, as added by this Act.

2-54 SECTION 4. This Act takes effect September 1, 2021.

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