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| BILL ANALYSIS |

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| C.S.H.B. 33 |
| By: McLaughlin |
| Homeland Security, Public Safety & Veterans' Affairs |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** On May 24, 2022, the Uvalde Community tragically lost 19 students and two teachers during a school shooting at Robb Elementary. The bill author has informed the committee that this tragedy exposed critical failures in law enforcement preparedness, emergency response coordination, and school safety protocols and made it clear that Texas must take decisive action with respect to these shortcomings and the state's responses to future active shooter situations. The 88th Texas Legislature enacted legislation to improve future responses to mass shootings, but the bill author has informed the committee that there is still a need to strengthen emergency response, enhance coordination in preparing for future tragedies, and improve leadership preparedness in the state. C.S.H.B. 33, the Uvalde Strong Act, seeks to address these issues and achieve these goals by implementing new safety and security requirements relating to active shooter incidents at primary or secondary school facilities and other emergencies for certain law enforcement agencies, educational institutions, governmental entities, emergency medical services providers, and political subdivisions. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 5 of this bill, to the Texas Division of Emergency Management in SECTIONS 11 and 12 of this bill, to the Texas Commission on Law Enforcement in SECTIONS 11, 16, 19, and 27 of this bill, and to the Department of State Health Services in SECTION 11 of this bill.  |
| **ANALYSIS** C.S.H.B. 33 amends the Education Code, Government Code, Local Government Code, and Occupations Code to implement safety and security requirements relating to active shooter incidents at primary and secondary school facilities and to other emergencies for certain law enforcement agencies, educational institutions, governmental entities, emergency medical services providers, fire protection personnel, and political subdivisions, including certain accreditations of law enforcement agencies that respond to such emergencies and a grant program relating to those accreditations.**Safety and Security Requirements for Certain Educational Institutions** Public Education C.S.H.B. 33 requires a public school district that constructs, acquires, renovates, or improves a district facility, to conduct, as soon as practicable, a security review of the facility to:* determine whether the facility meets school safety and security requirements as described by commissioner of education rule; and
* identify security vulnerabilities at the facility in the event of an active shooter incident and describe strategies to mitigate each vulnerability identified.

The bill requires the commissioner of education, in consultation with the Department of Public Safety (DPS), the Texas Division of Emergency Management (TDEM), and the Texas School Safety Center (TxSSC), to ensure that the rules adopted or amended under statutory provisions relating to facilities standards include rules for the security review. The bill subjects an open-enrollment charter school to this security review requirement. C.S.H.B. 33 specifies that the safety and security audit of a school district's or public junior college district's facilities that each school district or public junior college district is required to conduct at least once every three years includes a security review as described by the bill's provisions for each district facility. The bill specifies that the requirement for the multihazard emergency operations plan adopted and implemented by each school district or public junior college district for use in the district's facilities to address recovery includes the prompt recovery of services provided by the school district or public junior college district. The bill also specifies that the plan's required provision of measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency includes measures to ensure the use of standardized response protocol terminology, developed in coordination with the TxSSC, to facilitate communication between law enforcement, emergency services, district employees, and the public.C.S.H.B. 33 specifies that the implementation and operation of requirements related to school district safety and security that the Texas Education Agency (TEA) is required to monitor includes school district security reviews. C.S.H.B. 33 requires each district and charter school to have at least one breaching tool and one ballistic shield available for use at each campus in the event of an active shooter incident.Higher Education *Multihazard Emergency Operations Plan*C.S.H.B. 33 specifies that the requirement for the multihazard emergency operations plan adopted and implemented by a general academic teaching institution, a medical and dental unit, or other agency of higher education for use at the institution to address recovery includes the prompt recovery of services provided by the applicable institution.*Template and Training Program* C.S.H.B. 33 requires the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos to create a template for use by a local law enforcement agency or emergency medical services provider in evaluating and reporting on the agency's or provider's response to an active shooter incident at a primary or secondary school facility as required by the bill's provisions relating to a required evaluation and report on the response to an active shooter incident at a school facility. The bill defines "emergency medical services personnel" and "emergency medical services provider" by reference to the Emergency Health Care Act and "local law enforcement agency" as a political subdivision of Texas authorized by law to employ or appoint peace officers. C.S.H.B. 33 authorizes the center to collaborate with TDEM, DPS, the Sheriffs' Association of Texas, or the Texas Police Chiefs Association to develop the template and requires the template to include the following:* prompts for reporting on the following items:
	+ a brief description and outcome of the active shooter incident;
	+ a statement of personnel and equipment deployed during the incident;
	+ a cost analysis, including salaries, equipment, and incidentals;
	+ a copy of appropriate incident logs and reports;
	+ any maps, forms, or related documentation used in responding to or evaluating the agency's or provider's response to the incident;
	+ a summary of any deaths or injuries that occurred as a result of the incident;
	+ any information relating to the status of criminal investigations and subsequent prosecutions arising out of the incident; and
	+ a final evaluation, including the following:
		- conclusions relating to the agency's or provider's response to the incident;
		- problems encountered during the response regarding personnel, equipment, resources, or multiagency response;
		- suggestions for revising policy, such as improving training and equipment; and
		- any additional considerations that would improve the agency's or provider's response to active shooter incidents at primary or secondary school facilities in the future; and
* any other content the center considers appropriate.

C.S.H.B. 33 requires the center to develop a training program for peace officers and emergency medical services personnel for responding to active shooter incidents at primary and secondary school facilities as required by the bill's provisions relating to required training on responses to active shooter incidents at school facilities. In developing the training program, the center, as follows:* must incorporate, if available, the findings of at least one final report submitted under the bill's provisions relating to a required evaluation and report on the response to an active shooter incident at a school facility regarding a local law enforcement agency's or emergency medical services provider's response to an active shooter incident at a primary or secondary school facility; and
* may collaborate with TDEM, the Texas Commission on Law Enforcement (TCOLE), DPS, or the Department of State Health Services (DSHS).

The bill requires the center, in developing the training program and if an applicable final report is not immediately available, to update the training program as soon as such a report becomes available to incorporate the report's findings.C.S.H.B. 33 requires the center to develop the required template and training program not later than December 1, 2025.**Guide on Preparing for and Responding to Active Shooter Incidents**C.S.H.B. 33 requires TDEM, in coordination with the Emergency Management Council, to develop a guide on preparing for and responding to an active shooter incident at a primary or secondary school facility for civic, volunteer, and community organizations and to post the guide on its website for public use. The guide must provide a comprehensive approach to preparing for and responding to active shooter incidents at primary and secondary school facilities and include information on the following:* understanding mass violence incidents and best practices for community engagement related to those incidents;
* incident command structure;
* coordination of and access to resources, including trauma and support services, acute support services, long-term support services, spiritual support services, and family or victim assistance;
* long-term recovery and community resilience;
* communication coordination;
* training and planning resources; and
* preserving and restoring community cohesion and public life after the incident.

The bill authorizes TDEM, in developing and revising the guide and in collaboration with DPS, to seek the advice and assistance of local governments, civic organizations, volunteer organizations, and community leaders. The bill requires TDEM to develop and post the guide not later than December 1, 2025.**Evaluations, Reports, and Training on Active Shooter Incident Responses** Evaluation and Report C.S.H.B. 33 requires each local law enforcement agency and emergency medical services provider that responds to an active shooter incident at a primary or secondary school facility by providing law enforcement services or emergency medical services, or both, to do the following:* not later than the 45th day after the date of the incident, or as soon as practicable thereafter, initiate an evaluation of the agency's or provider's response to the incident and submit a preliminary report to TDEM, DPS, and the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos regarding, at minimum, the items required in the template created by the center under the bill's provisions; and
* not later than the 90th day after the date of the incident, or as soon as practicable thereafter, finalize and submit the report to TDEM, DPS, and the center.

The bill requires the following for purposes of implementing these provisions:* TCOLE to adopt rules with respect to local law enforcement agencies; and
* TDEM to adopt rules with respect to emergency medical services and emergency medical services providers; and

The bill also requires TDEM, in coordination with the TxSSC, by rule to define "active shooter incident" as an incident involving an active shooter, as that term is defined by the FBI. The bill establishes that a local law enforcement agency or emergency medical services provider that complies with these provisions regarding an active shooter incident at a primary or secondary school facility is not required to conduct any evaluation or issue any report that may be required under statutory provisions relating to postdisaster evaluations regarding that incident. The bill makes information obtained or created by TDEM or DPS in carrying out their obligations under these provisions confidential and excepts such information from disclosure under state public information law. The bill also excepts any meetings between a law enforcement agency or emergency medical services provider and TDEM or DPS from the open meeting requirements under state open meetings law.Training C.S.H.B. 33 does the following:* requires TCOLE by rule to require the peace officers of each local law enforcement agency to complete the training program for responding to active shooter incidents at primary and secondary school facilities developed by the center; and
* requires TDEM by rule to require the emergency medical services personnel of each emergency medical services provider to complete a training program for responding to active shooter incidents at primary and secondary school facilities developed by TDEM, which must involve reviewing at least one final evaluation and report required by the bill's provisions.

The bill authorizes TDEM, TCOLE, and DSHS to adopt rules to enforce these provisions and requires TDEM to develop the training program required by these provisions not later than December 1, 2025.DefinitionsC.S.H.B. 33 defines "local law enforcement agency" as a political subdivision of the state authorized by law to employ or appoint peace officers and "emergency medical services," "emergency medical services personnel," and "emergency medical services provider" by reference to the Emergency Health Care Act. **Certification and Continuing Education Requirements for Certain Public Information Officers**Municipal Police Departments, Sheriff's Offices, County Constable's Offices, School District Police Departments, and DPSC.S.H.B. 33 requires each of the following entities to employ or appoint a public information officer who must obtain certification in emergency communications from TDEM and complete continuing education on emergency communications as provided by the bill's provisions relating to required certification and continuing education for certain public information officers:* a municipal police department;
* a sheriff's office;
* a county constable's office;
* a school district police department; and
* DPS.

The bill defines "public information officer" as an individual who is employed or appointed by a state agency or local government entity and whose duties include communicating with the public during a disaster regarding the disaster. The bill authorizes the chief administrative officer of an agency to be appointed or employed as such a public information officer. Municipalities, Counties, Independent School Districts, Charter Schools, and TDEMC.S.H.B. 33 requires each of the following entities to employ or appoint a public information officer who must obtain certification in emergency communications from TDEM and complete continuing education on emergency communications:* a municipality;
* a county;
* an independent school district;
* a charter school; and
* TDEM.

The bill defines "public information officer" as an individual who is employed or appointed by a state agency, local government entity, or charter school and whose duties include communicating with the public during a disaster regarding the disaster. The bill authorizes the chief administrator of an agency to be appointed or employed as such a public information officer. Certification and Continuing Education for Public Information OfficersC.S.H.B. 33 requires these public information officers to obtain certification from TDEM in emergency communications not later than the first anniversary of the date the officer was hired or appointed and to complete a TDEM-approved continuing education program on emergency communications once during each 12-month period beginning on the date the officer obtained certification. The bill requires TDEM to establish minimum education and training requirements for the initial certification and continuing education. The bill requires these minimum requirements to comply with the policies and standards developed by TCOLE under provisions governing minimum standards for law enforcement agencies and include courses on the National Incident Management System, the Incident Command System, and the basic skills and principles necessary to fulfill the role of a public information officer with respect to emergency communications.  C.S.H.B. 33 requires TDEM to assist the entities required to employ or appoint a public information officer under the bill's provisions in identifying approved training programs and authorizes the following courses to be taken to satisfy the applicable certification and continuing education requirements under the bill's provisions:* a course provided by the Bill Blackwood Law Enforcement Management Institute of Texas; or
* a course approved by TCOLE.

ComplianceC.S.H.B. 33 requires a municipality, a county, an independent school district, a charter school, and TDEM to do the following:* maintain records that demonstrate the compliance of each public information officer employed or appointed by that entity with the bill's certification and continuing education requirements; and
* submit those compliance records to TDEM.

The bill requires TDEM to permit inspection and copying by DPS, during reasonable hours and in a reasonable manner, of those compliance records TDEM maintains. The bill authorizes TDEM to adopt rules to administer the bill's provisions relating to the required certification and continuing education for certain public information officers employed or appointed by a municipality, a county, an independent school district, a charter school, or TDEM. Procedural Provision C.S.H.B. 33 requires a public information officer employed or appointed by a municipality, a county, an independent school district, a charter school, TDEM, a municipal police department, a sheriff's office, a county constable's office, a school district police department, or DPS who was employed or appointed before the bill's effective date to obtain the requisite certification in emergency communications from TDEM not later than September 1, 2026.**Law Enforcement Agency Accreditation Grant Program**C.S.H.B. 33 requires the criminal justice division in the governor's office to establish and administer a grant program to provide financial assistance to a law enforcement agency in Texas for purposes of becoming accredited or maintaining accreditation as follows:* through the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program;
* by the Commission on Accreditation for Law Enforcement Agencies, Inc.;
* by the International Association of Campus Law Enforcement Administrators;
* by an accreditation program developed by the Sheriffs' Association of Texas; or
* by an association or organization designated by TCOLE as provided by the bill's provisions relating to the grant program.

The amount of a grant awarded to a law enforcement agency under the grant program is as follows:* $25,000 for each qualifying accreditation held by the agency on, or received by the agency after, the date on which the grant program was established; and
* $12,500 for each qualifying reaccreditation received by the agency after that date.

The bill prohibits a law enforcement agency from being awarded a $25,000 grant with respect to an accreditation for which the agency has previously been awarded such a grant and authorizes a law enforcement agency, if the agency was awarded a $25,000 grant and the accreditation expires without the agency receiving reaccreditation, to be awarded a $12,500 grant for becoming accredited by the accrediting entity for which the $25,000 grant was awarded. C.S.H.B. 33 requires the criminal justice division to establish the following:* eligibility criteria for grant applicants;
* grant application procedures;
* guidelines relating to grant amounts;
* procedures for evaluating grant applications; and
* procedures for monitoring the use of a grant awarded under the grant program and ensuring compliance with any conditions of a grant.

The bill requires the criminal justice division, not later than December 1 of each year, to submit to the Legislative Budget Board a report that provides the following information for the preceding state fiscal year:* the name of each law enforcement agency that applied for a grant under the grant program; and
* the amount of money distributed to each law enforcement agency awarded a grant under the grant program.

The bill authorizes the criminal justice division to use any revenue available for purposes of the grant program and requires the criminal justice division, with the assistance of TCOLE, to periodically review associations and organizations that establish standards of practice for law enforcement agencies and that offer accreditation to agencies that meet those standards. On a determination by the criminal justice division that accreditation of law enforcement agencies in Texas by an association or organization would benefit public safety, TCOLE may designate the association or organization as an accrediting entity for purposes of the grant program.**Complex Emergency Response and Investigation Planning** C.S.H.B. 33 requires DPS, for the purpose of preparing for complex responses to and investigations of emergencies that require mutual aid and support from more than one governmental entity, to consult with the sheriff of each county in which a primary or secondary school facility is located to determine which governmental entities that employ a first responder are reasonably likely, in the sheriff's opinion, to respond to an active shooter incident at one of those facilities. The bill requires DPS, each applicable sheriff, and each governmental entity identified by the sheriff to collectively participate in a multiagency tabletop exercise at least once each odd-numbered year and an in-person drill at least once each even-numbered year. The bill requires DPS to invite any appropriate federal agency to participate in such an exercise. **Mutual Aid Agreements** C.S.H.B. 33 requires DPS and each governmental entity identified by a sheriff for the complex emergency response and investigation planning to collectively enter into a mutual aid agreement that establishes the procedures for the provision of resources, personnel, facilities, equipment, and supplies in responses to critical incidents in a vertically integrated fashion. The bill requires DPS and local law enforcement agencies, in establishing the procedures, to do the following: * give priority to establishing the interoperability of communications equipment among the parties to the agreement;
* establish procedures for interagency coordination in activities arising from critical incidents, including evidence collection;
* set jurisdictional boundaries; and
* determine the capabilities, processes, and expectations among the parties to the agreement.

The bill requires DPS to invite any appropriate federal agency to enter into the mutual aid agreement. C.S.H.B. 33 requires DPS and local law enforcement agencies to enter into mutual aid agreements not later than January 1, 2026. **School Safety Meetings**C.S.H.B. 33 revises statutory provisions relating to required school safety meetings in certain counties as follows:* revises the requirement for the sheriff of a county with a total population of less than 350,000 in which a public school is located to call and conduct semiannual school safety meetings as follows:
	+ expands the applicability of the requirement to include the sheriff of any county in which a public school is located by removing the specification that an applicable county has a total population of less than 350,000;
	+ changes the frequency at which these meetings are called and conducted from semiannually to annually; and
	+ includes each public school's multihazard emergency operations plan, including a discussion and analysis of how the school's multihazard emergency operations plan would be implemented in an emergency situation, among the matters that the meetings must discuss;
* repeals the provision establishing that the sheriff of an applicable county in which more than one public school is located is only required to hold one semiannual school safety meeting, which does not require public schools located within the same county to adopt the same school safety policies;
* revises the requirement for certain persons to attend a school safety meeting as follows:
	+ makes this requirement applicable only with respect to a school safety meeting called in a county with a population of less than 350,000; and
	+ includes a representative of TDEM among the persons that are required to attend such a meeting; and
* requires the following persons to attend a school safety meeting called in a county with a population of 350,000 or more:
	+ for each school district located in the county, either of the following:
		- the police chief of the district's police department, or the chief's designee; or
		- if the district contracts with another political subdivision for law enforcement services, the chief administrative officer of the law enforcement agency providing law enforcement services to the district, or the officer's designee;
	+ the superintendent of each school district located in the county; and
	+ any other person the sheriff considers appropriate.

**Mental Health Resources Plan for First Responders Involved in a Critical Incident**C.S.H.B. 33 requires TDEM, in coordination with the Health and Human Services Commission (HHSC) and DSHS, to develop a mental health resources plan to address the mental health needs of first responders following a critical incident and provide the plan to each local emergency management director in Texas. The bill does the following with respect to such a plan:* requires the plan to identify and provide for the following:
	+ education and training to a first responder prior to a critical incident on topics including the potential psychological impact that being involved in an incident may have on the first responder and resources available to the first responder to address the psychological impact of an incident, including mental health counseling, peer support programs, and stress management practices; or
	+ a list of recommended providers located within the territory of the council of governments who can provide that education and training;
* authorizes the plan to recommend that an employer of a first responder do the following:
	+ create a process to conduct a critical incident stress debriefing following an incident; and
	+ create a peer support program to support the first responder following an incident; and
* authorizes the plan to include any other recommendation the council of governments considers appropriate to address the mental health needs of a first responder following a critical incident.

The bill requires each political subdivision that receives a mental health resources plan under these provisions to implement the plan and share the plan with each council of governments that has jurisdiction over the political subdivision to ensure regional plan integration and awareness. The bill defines "critical incident" as an incident involving a first responder that occurs while the first responder is performing official duties and that results in serious bodily injury to the first responder or poses a substantial risk of serious bodily injury or death to the first responder or of serious harm to the first responder's mental health or well-being. C.S.H.B. 33 requires each council of governments to develop a mental health resources plan as soon as practicable after the bill's effective date. **Minimum Standards for Law Enforcement Agencies**C.S.H.B. 33 revises the requirement for TCOLE, with input from an advisory committee, by rule to establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency as follows:* specifies that the inclusion of the physical resources available to officers, including protective equipment, in the minimum standards includes a requirement of access to at least one breaching tool and one ballistic shield; and
* specifies that the inclusion of the policies of an applicable agency on active shooters in the minimum standards includes a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted.

The bill authorizes a law enforcement agency to enter into a mutual aid agreement with a law enforcement agency with overlapping or adjacent jurisdiction to share protective equipment during a critical incident, as defined by the bill's provisions relating to a mental health resources plan, to meet the requirements under provisions relating to the inclusion in the minimum standards of the physical resources available to officers, including protective equipment.C.S.H.B. 33 requires TCOLE, as soon as practicable after the bill's effective date, to adopt rules to implement these provisions. **Required Training and Continuing Education on Incident Response and Command**C.S.H.B. 33 requires TCOLE to require a peace officer to complete the following emergency response management training courses, or a substantially similar successor course as determined by TCOLE, in collaboration with TDEM:* Introduction to the Incident Command System; and
* National Incident Management System, An Introduction.

The bill requires TCOLE to require an officer to complete these training courses unless the officer has already completed the training under statutory provisions relating to the curriculum for schools subject to TCOLE approval operated specifically for training officers, county jailers, recruits, or telecommunicators. C.S.H.B. 33 requires TCOLE, as part of the minimum curriculum requirements established by TCOLE for schools subject to TCOLE approval operated specifically for training officers, county jailers, recruits, or telecommunicators, to require an officer to complete those training courses. These new minimum curriculum requirements apply only to an officer who first begins to satisfy those requirements on or after January 1, 2026. C.S.H.B. 33 requires TCOLE to require a peace officer whose duties involve the supervision of officers in an incident response to complete, as part of the required biennial continuing education programs for peace officers under applicable state law, an advanced incident response and command course, in collaboration with TDEM, as determined by TCOLE rule. The exemption from the continuing education requirements for a peace officer who is second in command to a police chief of a law enforcement agency and who attends a continuing education program for command staff provided by the Bill Blackwood Law Enforcement Management Institute of Texas does not apply to the training required under these provisions. These provisions apply only with respect to a 24-month continuing education training unit that begins on or after the bill's effective date. A training unit that begins before the bill's effective date is governed by the law in effect on the date the training unit began, and the former law is continued in effect for that purpose. C.S.H.B. 33 requires TCOLE, as soon as practicable after the bill's effective date, to adopt rules to implement these provisions. **Definitions**C.S.H.B. 33 defines the following terms for purposes of its applicable Government Code and Local Government Code provisions:* "first responder" as follows:
	+ a peace officer described by applicable Code of Criminal Procedure provisions;
	+ an individual included as fire protection personnel by Government Code provisions relating to regulating and assisting fire fighters and fire departments; and
	+ an individual included as emergency medical services personnel under the Emergency Health Care Act; and
* "council of governments" as a regional planning commission for a state planning region created under applicable Local Government Code provisions.

**Repealed Provision**C.S.H.B. 33 repeals Section 85.024(b), Local Government Code. |
| **EFFECTIVE DATE** September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 33 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.**General Provisions** The substitute includes a provision absent from the introduced establishing that the bill may be cited as the Uvalde Strong Act. The substitute also replaces the introduced version's references to an "active shooter emergency" and an "active shooter event" with references to an "active shooter incident" and an "active shooter incident in a primary or secondary school facility" throughout the bill, as applicable. **Law Enforcement Agency Active Shooter Emergency Response Policy**The substitute omits the provisions from the introduced that required each law enforcement agency of a municipality, county, public school district, or public institution of higher education to adopt a detailed written policy for responding to an active shooter emergency, which must be based on current best practices, and required each applicable law enforcement agency to adopt the policy as soon as practicable after the bill's effective date.**Security Reviews**Both the introduced and the substitute require a school district that constructs, acquires, renovates, or improves a district facility to conduct, as soon as practicable, a security review of the facility. However, the introduced also required a public junior college district that constructs, acquires, renovates, or improves a district facility to conduct, as soon as practicable, a security review of the facility, whereas the substitute does not. With respect to provisions present in both the introduced and the substitute establishing that the security review is conducted to determine whether an applicable facility meets school safety and security requirements, the substitute specifies that those requirements are described by commissioner of education rule, whereas the introduced did not. The substitute replaces the introduced version's requirement for TEA, in consultation with DPS and the TxSSC, to establish guidelines for the security review with a requirement for the commissioner, in consultation with DPS, TDEM, and the TxSSC, to ensure that the rules adopted or amended under statutory provisions relating to facilities standards include rules for the security review.**School District and Public Junior College District Multihazard Emergency Response Plans**Both the introduced and the substitute revise provisions relating to the multihazard emergency operations plan adopted and implemented by each school district or public junior college district for use in the district's facilities. However, whereas the introduced expanded the contents of the plan to include measures for the prompt recovery of services provided by the district after an active shooter emergency, the substitute instead specifies that the requirement for the plan to address recovery includes the prompt recovery of services provided by the district. The substitute includes a specification absent from the introduced that the plan's required provision of measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency includes measures to ensure the use of standardized response protocol terminology, developed in coordination with the TxSSC, to facilitate communication between law enforcement, emergency services, district employees, and the public. The substitute omits the introduced version's requirements for each school district or public junior college district annually to organize a meeting with DPS, appropriate local law enforcement agencies, and local emergency first responders regarding the district's multihazard emergency operations plan and for the meeting to include a discussion and analysis of how the district's plan would be implemented in an emergency situation.**School Safety and Security Committee**The substitute omits the provision from the introduced that included campus, facility, or support services information regarding a security review among the information the school safety and security committee established by each public school district must provide the district.**Availability of Breaching Tool and Ballistic Shield**The substitute includes a provision, absent from the introduced, requiring each school district and charter school to have at least one breaching tool and one ballistic shield available for use at each campus in the event of an active shooter incident.**Higher Education Multihazard Emergency Operations Plans**Whereas the introduced expanded the contents of the multihazard emergency operations plan adopted and implemented by a general academic teaching institution, a medical and dental unit, or other agency of higher education to include measures for the prompt recovery of services provided by the applicable institution after an active shooter emergency, the substitute instead specifies that the requirement for the plan adopted and implemented by such an institution to address recovery includes the prompt recovery of services provided by the applicable institution.**Template and Training Program** Whereas the introduced required TDEM, in collaboration with DPS, to create a template for use by a local law enforcement agency or emergency medical services provider in evaluating and reporting on the agency's or provider's response to an active shooter event and prescribed the required contents of the template, the substitute instead requires the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos to create a template for use by a local law enforcement agency or emergency medical services provider in evaluating and reporting on the agency's or provider's response to an active shooter incident at a primary or secondary school facility under the substitute's provisions and prescribes the required contents of the template. The substitute also includes provisions absent from the introduced authorizing the center to collaborate with TDEM, DPS, the Sheriffs' Association of Texas, or the Texas Police Chiefs Association to develop the template.The substitute includes the following provisions absent from the introduced:* a requirement for the center to develop a training program for peace officers and emergency medical personnel for responding to active shooter incidents at primary or secondary school facilities as required by the substitute's provisions;
* provisions relating to the contents and development of such a training program; and
* a requirement for the center to develop the template and training program not later than December 1, 2025.

The substitute replaces the introduced version's definition of "emergency medical services," defined by reference to the Emergency Health Care Act, with a definition of "emergency medical services personnel," also defined by reference to the Emergency Health Care Act.**Guide on Preparing for and Responding to Active Shooter Incidents**The substitute replaces the introduced version's requirement for TDEM to develop a guide on preparing for and responding to an active shooter event, with an emphasis on providing information relevant to civic, volunteer, and community organizations, with a requirement for TDEM, in coordination with the Emergency Management Council, to develop a guide on preparing for and responding to an active shooter incident at a primary or secondary school facility for civic, volunteer, and community organizations. Both the introduced and the substitute require such a guide to include certain information. The introduced required the guide to include information on the following:* planning and preparing the response to an active shooter event, including recommended tactics and equipment;
* providing leadership, incident command, and coordination in response to the event;
* communicating with the public during and after the event;
* investigating and reporting following the event;
* arranging for trauma and support services, including acute support services and long-term support services; and
* preserving and restoring community cohesion and public life after the event.

However, the substitute instead requires the guide to include information on the following: * understanding mass violence incidents and best practices for community engagement related to those incidents;
* incident command structure;
* coordination of and access to resources, including trauma and support services, acute support services, long-term support services, spiritual support services, and family or victim assistance;
* long-term recovery and community resilience;
* communication coordination;
* training and planning resources; and
* preserving and restoring community cohesion and public life after the incident.

**Evaluations, Reports, and Training on Active Shooter Event Responses** Both the introduced and the substitute require certain applicable local law enforcement agencies and emergency medical services providers that respond to an active shooter event or incident by providing law enforcement services or emergency medical services, or both, to evaluate and report on their response to such incidents or events. However, the introduced and the substitute differ in the following ways with respect to those evaluation and reporting requirements:* the substitute extends the deadline by which an applicable agency or provider is required to initiate the evaluation from not later than the 30th day after the date of the event, as in the introduced, to not later than the 45th day after the date of the incident, or as soon as practicable thereafter;
* the substitute includes the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos among the entities to which an applicable agency or provider is required to submit a preliminary report, whereas the introduced did not;
* whereas the introduced required that a preliminary report regard, at minimum, the items required in the template created by TDEM under the provisions of the introduced, the substitute requires that the preliminary report regard, at minimum, the items required in the template created by the center under the substitute's provisions;
* the substitute extends the deadline by which an applicable agency or provider is required to finalize and submit the preliminary report from not later than the 60th day after the date of the event, as in the introduced, to not later than the 90th day after the date of the incident, or as soon as practicable thereafter; and
* the substitute includes the center among the requisite recipients of that finalized report, whereas the introduced did not.

The substitute replaces the introduced version's requirement for TDEM to adopt rules to implement the provisions from the introduced relating to the required evaluation and report, including a rule defining "active shooter event," with a requirement for TDEM, in coordination with TxSSC, by rule to define "active shooter incident" as an incident involving an active shooter, as that term is defined by the FBI. The substitute includes requirements absent from the introduced for TCOLE to adopt rules with respect to local law enforcement agencies and for TDEM to adopt rules with respect to emergency medical services and emergency medical services providers. The substitute includes provisions absent from the introduced that do the following:* make information obtained or created by TDEM or DPS in carrying out their obligations relating to the required evaluation and report confidential and except such information from disclosure under state public information law; and
* except any meetings between a law enforcement agency or emergency medical services provider and TDEM or DPS from the open meeting requirements of state open meetings law.

The substitute includes a requirement absent from the introduced for TCOLE by rule to require the peace officers of each local law enforcement agency to complete a training program for responding to active shooter incidents at primary and secondary school facilities developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos as required by the provisions of the substitute relating to the template and training program created by the center. Accordingly, whereas the introduced required TDEM by rule to require the peace officers of each local law enforcement agency and the emergency medical services personnel to complete a training program each year, the substitute instead requires TDEM by rule to require the emergency medical services personnel of each emergency medical services provider to complete a training program for responding to active shooter incidents at primary and secondary school facilities and requires TDEM to develop the training program not later than December 1, 2025. The substitute omits the provision from the introduced requiring TDEM to collaborate with DPS, TCOLE, and DSHS, as appropriate, to develop the required training programs.**Certification and Continuing Education Requirements for Certain Public Information Officers**Both the introduced and the substitute set out certain certification, continuing education, and compliance requirements for certain public information officers and governmental entities that appoint or employ these officers. While both the introduced and the substitute require the following, the substitute makes these requirements applicable also with respect to a county constable's office and a school district's police department, whereas the introduced did not:* a municipality, a municipal police department, a county, an independent school district, a charter school, a sheriff's office, TDEM, and DPS to employ or appoint a public information officer;
* TDEM to establish minimum education and training requirements for the initial certification and continuing education;
* an applicable public information officer to obtain certification from TDEM in emergency communications and complete a continuing education program on emergency communications; and
* an applicable public information officer to obtain the required certification not later than September 1, 2026

The substitute also makes the following changes with respect to these requirements:* authorizes the chief administrator of an agency to be appointed or employed as a public information officer, whereas the introduced did not;
* omits the specification from the introduced that the minimum education and training requirements for initial certification and continuing education established by TDEM are established by designating courses approved by FEMA;
* omits the specification from the introduced that the courses required to be included in the minimum requirements are provided by FEMA;
* includes a provision absent from the introduced authorizing a course provided by the Bill Blackwood Law Enforcement Management Institute of Texas or a course approved by TCOLE to be taken for the purpose of satisfying the minimum education and training requirements;
* changes the frequency by which the continuing education program on emergency communications must be completed by an applicable public information office from twice during each 12-month period beginning on the date the public information officer obtained certification, as in the introduced, to once during such a 12-month period; and
* omits the specification from the introduced that the required continuing education program on emergency communications is administered by FEMA.

Additionally, both the introduced and the substitute subject a municipality, a county, an independent school district, a charter school, and TDEM to certain compliance requirements relating to records pertaining to the certification and continuing education requirements. However, the introduced omits provisions from the introduced making these compliance requirements applicable also with respect to a municipal police department, a sheriff's office, and DPS. Finally, the substitute replaces the introduced version's requirement for each entity subject to these compliance requirements to permit inspection and copying by TDEM, during reasonable hours and in a reasonable manner, of records that demonstrate the compliance of each public information officer employed or appointed by that entity with the certification and continuing education requirements with a requirement each entity subject to these compliance requirements to submit to TDEM those compliance records.**Complex Emergency Response and Investigation Planning**Both the introduced and the substitute provide for complex emergency response and investigation planning for DPS and certain political subdivisions. The introduced required DPS and each political subdivision that elects, appoints, or employs a first responder within the territory of a council of governments, for the purpose of preparing for complex responses to and investigations of emergencies that may occur within the territory of the council of governments and that require mutual aid and support from more than one governmental entity, to collectively participate in a multiagency tabletop exercise at least semiannually and an in-person drill exercise at least annually. However, the substitute includes the following provisions:* a requirement for DPS, for the purpose of preparing for complex responses to and investigations of emergencies that require mutual aid and support from more than one governmental entity, to consult with the sheriff of each county in which a primary or secondary school facility is located to determine which governmental entities that employ a first responder are reasonably likely, in the sheriff's opinion, to respond to an active shooter incident at one of those facilities; and
* a requirement for DPS, each applicable sheriff, and each governmental entity identified by the sheriff to collectively participate in a multiagency tabletop exercise at least once each odd-numbered year and an in-person drill at least once each even-numbered year.

Additionally, the substitute omits the introduced version's definition of "council of governments." **Mutual Aid Agreements**The substitute replaces the introduced version's requirement for DPS and each local law enforcement agency located wholly or partly within the geographic boundaries of a council of governments to collectively enter into a mutual aid agreement that establishes the procedures for the provision of resources, personnel, facilities, equipment, and supplies in responses to critical incidents in a vertically integrated fashion with a requirement for DPS and each governmental entity identified by a sheriff under the provisions of the substitute relating to complex emergency response and investigation planning to do so. Accordingly, the substitute omits the introduced version's definition of "council of governments." Both versions of the bill provide for a mutual aid agreement regarding equipment during a critical incident. However, the introduced provided for such an agreement regarding tactical equipment in the quantity that allows a law enforcement agency to meet the equipment requirement prescribed by provisions of the introduced relating to tactical equipment, whereas the substitute provides for such an agreement regarding protective equipment during a critical incident, as defined by the provisions of the bill relating to a mental health resources plan, to meet the requirements under provisions relating to the inclusion in the minimum standards of the physical resources available to officers, including protective equipment.**Resilient Emergency Response Planning**The substitute omits the following provisions from the introduced:* the requirement for a political subdivision that elects, appoints, or employs first responders to develop a resilient emergency management system to coordinate the political subdivision's response to an emergency not later than January 1, 2026;
* a requirement for the system to provide for the establishment of the following:
	+ a shared emergency response plan across each department or agency of the political subdivision with a first responder; and
	+ a multi-department and agency coordination group to support resource prioritization and allocation for the political subdivision during an emergency; and
* a requirement for the governing body of a political subdivision to approve by official action the resilient emergency management system for the political subdivision.

**Recovery of Services After an Active Shooter Emergency**The substitute omits the introduced version's requirement for each political subdivision and interjurisdictional agency with an operations plan for emergency response to adopt and implement measures for the prompt recovery of services provided by the political subdivision or agency after an active shooter emergency. **Tactical Equipment**The substitute omits the following provisions from the introduced:* a requirement for a law enforcement agency to make available for use by the agency's peace officers sufficient tactical equipment to allow the peace officers to effectively respond to a critical incident;
* a provision establishing that a law enforcement agency satisfies that tactical equipment requirement by providing tactical equipment to equip the greater of at least 20 percent of the agency's peace officers or five of the agency's peace officers; and
* definitions for the following terms for purposes of the provisions of the introduced relating to tactical equipment:
	+ "critical incident";
	+ "institution of higher education";
	+ "law enforcement agency";
	+ "peace officer"; and
	+ "tactical equipment."

**School Safety Meetings**The substitute includes provisions absent from the introduced revising statutory provisions relating to required school safety meetings in certain counties as follows:* revising the requirement for the sheriff of a county with a total population of less than 350,000 in which a public school is located to call and conduct semiannual school safety meetings as follows:
	+ removing the specification that an applicable county has a total population of less than 350,000;
	+ changing the frequency at which these meetings are called and conducted from semiannually to annually; and
	+ including each public school's multihazard emergency operations plan, including a discussion and analysis of how the school's multihazard emergency operations plan would be implemented in an emergency situation, among the matters discussed at the meetings;
* repealing the provision establishing that the sheriff of an applicable county in which more than one public school is located is only required to hold one semiannual school safety meeting, which does not require public schools located within the same county to adopt the same school safety policies;
* revising the requirement for certain persons to attend a school safety meeting as follows:
	+ making this provision applicable only with respect to a school safety meeting called in county with a population of less than 350,000; and
	+ including a representative of TDEM among the persons that are required to attend such a meeting; and
* requiring certain persons to attend a school safety meeting called in a county with a population of 350,000 or more.

**Mental Health Resources Plan for First Responders Involved in a Critical Incident**The substitute replaces the introduced version's requirement for each council of governments to develop a mental health resources plan to address the mental health needs of a first responder following a critical incident that occurs within the territory of the council with a requirement for TDEM, in coordination with HHSC and DSHS, to develop a mental health resources plan to address the mental health needs of first responders following a critical incident and provide the plan to each local emergency management director in Texas. The substitute makes the following changes with respect to the required plan:* replaces the introduced version's requirement for the plan to require the council of governments to provide education and training to a first responder prior to a critical incident on certain topics and a list of recommended providers located within the territory of the council who can provide such education and training with a requirement for the plan to identify and provide for such education and training and such a list of recommended providers; and
* omits the provision from the introduced that authorized the plan to recommend that an employer of a first responder provide mental health counseling for the first responder following a critical incident.

The substitute includes a requirement absent from the introduced for each political subdivision that receives a mental health resources plan to implement the plan and share the plan with each council of governments that has jurisdiction over the political subdivision to ensure regional plan integration and awareness. **Minimum Standards for Law Enforcement Agencies**The substitute includes provisions absent from the introduced that do the following: * revise the requirement for TCOLE by rule to establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency by doing the following:
	+ specifying that the inclusion of the physical resources available to officers, including protective equipment, in the minimum standards includes a requirement of access to at least one breaching tool and one ballistic shield; and
	+ specifying that the inclusion of the policies of an applicable agency, including policies on active shooters, in the minimum standards includes a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted; and
* require TCOLE, as soon as practicable after the bill's effective date, to adopt rules to implement provisions of the substitute relating to minimum standards for law enforcement agencies.

**Training on Incident Response and Command**Whereas the introduced required TCOLE to require a peace officer to complete certain emergency response management training courses, or a substantially similar successor course as determined by TCOLE, provided by FEMA, the substitute requires TCOLE to require a peace officer to complete those training courses, or a substantially similar successor course as determined by TCOLE, in collaboration with TDEM.**Continuing Education on Incident Response and Command**Whereas the introduced required TCOLE to require an applicable peace officer to complete, as part of the required biennial continuing education programs for peace officers under applicable state law, an advanced incident response and command course provided by FEMA, as determined by TCOLE rule, the substitute requires TCOLE to require an applicable peace officer to complete, as part of those continuing education programs, an advanced incident response and command course, in collaboration with TDEM, as determined by TCOLE rule. |