

By: McLaughlin

H.B. No. 33

A BILL TO BE ENTITLED

1 AN ACT
2 relating to active shooter events and other emergencies, including
3 certain accreditations of law enforcement agencies that respond to
4 such emergencies.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 2A, Code of Criminal
7 Procedure, is amended by adding Article 2A.067 to read as follows:

8 Art. 2A.067. POLICY FOR RESPONDING TO ACTIVE SHOOTER
9 EMERGENCY. (a) This article applies only to a law enforcement
10 agency of a municipality, county, school district, or institution
11 of higher education, as defined by Section 61.003, Education Code.

12 (b) Each law enforcement agency to which this article
13 applies shall adopt a detailed written policy for responding to an
14 active shooter emergency. The policy must be based on current best
15 practices.

16 SECTION 2. Section 12.104(b), Education Code, is amended to
17 read as follows:

- 18 (b) An open-enrollment charter school is subject to:
- 19 (1) a provision of this title establishing a criminal
20 offense;
 - 21 (2) the provisions in Chapter 554, Government Code;
 - 22 and
 - 23 (3) a prohibition, restriction, or requirement, as
24 applicable, imposed by this title or a rule adopted under this

1 title, relating to:

2 (A) the Public Education Information Management
3 System (PEIMS) to the extent necessary to monitor compliance with
4 this subchapter as determined by the commissioner;

5 (B) criminal history records under Subchapter C,
6 Chapter 22;

7 (C) reading instruments and accelerated reading
8 instruction programs under Section 28.006;

9 (D) accelerated instruction under Section
10 28.0211;

11 (E) high school graduation requirements under
12 Section 28.025;

13 (F) special education programs under Subchapter
14 A, Chapter 29;

15 (G) bilingual education under Subchapter B,
16 Chapter 29;

17 (H) prekindergarten programs under Subchapter E
18 or E-1, Chapter 29, except class size limits for prekindergarten
19 classes imposed under Section 25.112, which do not apply;

20 (I) extracurricular activities under Section
21 33.081;

22 (J) discipline management practices or behavior
23 management techniques under Section 37.0021;

24 (K) health and safety under Chapter 38;

25 (L) the provisions of Subchapter A, Chapter 39;

26 (M) public school accountability and special
27 investigations under Subchapters A, B, C, D, F, G, and J, Chapter

1 39, and Chapter 39A;

2 (N) the requirement under Section 21.006 to
3 report an educator's misconduct;

4 (O) intensive programs of instruction under
5 Section 28.0213;

6 (P) the right of a school employee to report a
7 crime, as provided by Section 37.148;

8 (Q) bullying prevention policies and procedures
9 under Section 37.0832;

10 (R) the right of a school under Section 37.0052
11 to place a student who has engaged in certain bullying behavior in a
12 disciplinary alternative education program or to expel the student;

13 (S) the right under Section 37.0151 to report to
14 local law enforcement certain conduct constituting assault or
15 harassment;

16 (T) a parent's right to information regarding the
17 provision of assistance for learning difficulties to the parent's
18 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

19 (U) establishment of residency under Section
20 25.001;

21 (V) school safety requirements under Sections
22 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
23 37.1086, 37.1087, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207,
24 and 37.2071 and Subchapter J, Chapter 37;

25 (W) the early childhood literacy and mathematics
26 proficiency plans under Section 11.185;

27 (X) the college, career, and military readiness

1 plans under Section 11.186; and

2 (Y) parental options to retain a student under
3 Section 28.02124.

4 SECTION 3. Section 37.108, Education Code, is amended by
5 amending Subsections (a) and (b) and adding Subsection (a-1) to
6 read as follows:

7 (a) Each school district or public junior college district
8 shall adopt and implement a multihazard emergency operations plan
9 for use in the district's facilities. The plan must address
10 prevention, mitigation, preparedness, response, and recovery as
11 defined by the Texas School Safety Center in conjunction with the
12 governor's office of homeland security, the commissioner of
13 education, and the commissioner of higher education. The plan must
14 provide for:

15 (1) training in responding to an emergency for
16 district employees, including substitute teachers;

17 (2) measures to ensure district employees, including
18 substitute teachers, have classroom access to a telephone,
19 including a cellular telephone, or another electronic
20 communication device allowing for immediate contact with district
21 emergency services or emergency services agencies, law enforcement
22 agencies, health departments, and fire departments;

23 (3) measures to ensure district communications
24 technology and infrastructure are adequate to allow for
25 communication during an emergency;

26 (4) if the plan applies to a school district,
27 mandatory school drills and exercises, including drills required

1 under Section 37.114, to prepare district students and employees
2 for responding to an emergency;

3 (5) measures to ensure coordination with the
4 Department of State Health Services and local emergency management
5 agencies, law enforcement, health departments, and fire
6 departments in the event of an emergency;

7 (6) the implementation of a safety and security audit
8 as required by Subsection (b); ~~and~~

9 (7) measures for the prompt recovery of services
10 provided by the school district or public junior college district
11 after an active shooter emergency; and

12 (8) any other requirements established by the Texas
13 School Safety Center in consultation with the agency and relevant
14 local law enforcement agencies.

15 (a-1) Annually, each school district or public junior
16 college district shall organize a meeting with the Department of
17 Public Safety, appropriate local law enforcement agencies, and
18 local emergency first responders regarding the district's
19 multihazard emergency operations plan. The meeting must include a
20 discussion and analysis of how the district's multihazard emergency
21 operations plan would be implemented in an emergency situation.

22 (b) At least once every three years, each school district or
23 public junior college district shall conduct a safety and security
24 audit of the district's facilities that includes a security review
25 as described by Section 37.1087 for each district facility. A
26 district, or a person included in the registry established by the
27 Texas School Safety Center under Section 37.2091 who is engaged by

1 the district to conduct a safety and security audit, shall follow
2 safety and security audit procedures developed by the Texas School
3 Safety Center in coordination with the commissioner of education or
4 commissioner of higher education, as applicable.

5 SECTION 4. Section 37.1083(a), Education Code, is amended
6 to read as follows:

7 (a) The agency shall monitor the implementation and
8 operation of requirements related to school district safety and
9 security, including school district:

- 10 (1) multihazard emergency operations plans; ~~and~~
- 11 (2) safety and security audits; and
- 12 (3) security reviews.

13 SECTION 5. Subchapter D, Chapter 37, Education Code, is
14 amended by adding Section 37.1087 to read as follows:

15 Sec. 37.1087. SECURITY REVIEW. (a) If a school district or
16 public junior college district constructs, acquires, renovates, or
17 improves a district facility, the district shall, as soon as
18 practicable, conduct a security review of the facility to:

19 (1) determine whether the facility meets school safety
20 and security requirements; and

21 (2) identify security vulnerabilities at the facility
22 in the event of an active shooter emergency and describe strategies
23 to mitigate each vulnerability identified.

24 (b) The agency, in consultation with the Department of
25 Public Safety and the Texas School Safety Center, shall establish
26 guidelines for the security review required under this section.

27 SECTION 6. Section 37.109(b), Education Code, is amended to

1 read as follows:

2 (b) The committee shall:

3 (1) participate on behalf of the district in
4 developing and implementing emergency plans consistent with the
5 district multihazard emergency operations plan required by Section
6 37.108(a) to ensure that the plans reflect specific campus,
7 facility, or support services needs;

8 (2) periodically provide recommendations to the
9 district's board of trustees and district administrators regarding
10 updating the district multihazard emergency operations plan
11 required by Section 37.108(a) in accordance with best practices
12 identified by the agency, the Texas School Safety Center, or a
13 person included in the registry established by the Texas School
14 Safety Center under Section 37.2091;

15 (3) provide the district with any campus, facility, or
16 support services information required in connection with a safety
17 and security audit required by Section 37.108(b), a safety and
18 security audit report required by Section 37.108(c), a security
19 review required by Section 37.1087, or another report required to
20 be submitted by the district to the Texas School Safety Center;

21 (4) review each report required to be submitted by the
22 district to the Texas School Safety Center to ensure that the report
23 contains accurate and complete information regarding each campus,
24 facility, or support service in accordance with criteria
25 established by the center; and

26 (5) consult with local law enforcement agencies on
27 methods to increase law enforcement presence near district

1 campuses.

2 SECTION 7. Section 51.217(b), Education Code, is amended to
3 read as follows:

4 (b) An institution shall adopt and implement a multihazard
5 emergency operations plan for use at the institution. The plan must
6 address mitigation, preparedness, response, and recovery. The plan
7 must provide for:

8 (1) employee training in responding to an emergency;

9 (2) mandatory drills to prepare students, faculty, and
10 employees for responding to an emergency;

11 (3) measures to ensure coordination with the
12 Department of State Health Services, local emergency management
13 agencies, law enforcement, health departments, and fire
14 departments in the event of an emergency; ~~and~~

15 (4) the implementation of a safety and security audit
16 as required by Subsection (c); and

17 (5) measures for the prompt recovery of services
18 provided by the institution after an active shooter emergency.

19 SECTION 8. Subchapter C, Chapter 418, Government Code, is
20 amended by adding Section 418.059 to read as follows:

21 Sec. 418.059. GUIDE ON PREPARING FOR AND RESPONDING TO
22 ACTIVE SHOOTER EVENT. (a) The division shall develop a guide on
23 preparing for and responding to an active shooter event, with an
24 emphasis on providing information relevant to civic, volunteer, and
25 community organizations.

26 (b) The division shall post the guide on the division's
27 Internet website for public use. The guide must provide a

1 comprehensive approach to preparing for and responding to active
2 shooter events and include information on:

3 (1) planning and preparing the response to an active
4 shooter event, including recommended tactics and equipment;

5 (2) providing leadership, incident command, and
6 coordination in response to the event;

7 (3) communicating with the public during and after the
8 event;

9 (4) investigating and reporting following the event;

10 (5) arranging for trauma and support services,
11 including acute support services and long-term support services;
12 and

13 (6) preserving and restoring community cohesion and
14 public life after the event.

15 (c) In developing and revising the guide, the division may,
16 in collaboration with the department, seek the advice and
17 assistance of local governments, civic organizations, volunteer
18 organizations, and community leaders.

19 SECTION 9. Subchapter H, Chapter 418, Government Code, is
20 amended by adding Sections 418.1873 and 418.1877 to read as
21 follows:

22 Sec. 418.1873. EVALUATION AND REPORT ON RESPONSE TO ACTIVE
23 SHOOTER EVENT REQUIRED FOR CERTAIN ENTITIES. (a) In this section:

24 (1) "Emergency medical services" and "emergency
25 medical services provider" have the meanings assigned by Section
26 773.003, Health and Safety Code.

27 (2) "Local law enforcement agency" means a political

1 subdivision of this state authorized by law to employ or appoint
2 peace officers.

3 (b) Each local law enforcement agency and emergency medical
4 services provider that responds to an active shooter event by
5 providing law enforcement services or emergency medical services,
6 or both, shall:

7 (1) not later than the 30th day after the date of the
8 event, initiate an evaluation of the agency's or provider's
9 response to the event and submit a preliminary report to the
10 division and the department regarding, at minimum, the items
11 required in the template created under Subsection (c); and

12 (2) not later than the 60th day after the date of the
13 event, finalize the report described by Subdivision (1) and submit
14 the report to the division and the department.

15 (c) The division, in collaboration with the department,
16 shall create a template for use by a local law enforcement agency or
17 emergency medical services provider in evaluating and reporting on
18 the agency's or provider's response to an active shooter event. The
19 template must include:

20 (1) prompts for reporting on the following items:

21 (A) a brief description and outcome of the active
22 shooter event;

23 (B) a statement of personnel and equipment
24 deployed during the event;

25 (C) a cost analysis, including salaries,
26 equipment, and incidentals;

27 (D) a copy of appropriate event logs and reports;

1 (E) any maps, forms, or related documentation
2 used in responding to or evaluating the agency's or provider's
3 response to the event;

4 (F) a summary of any deaths or injuries that
5 occurred as a result of the event;

6 (G) any information relating to the status of
7 criminal investigations and subsequent prosecutions arising out of
8 the event; and

9 (H) a final evaluation, including:

10 (i) conclusions relating to the agency's or
11 provider's response to the event;

12 (ii) problems encountered during the
13 response regarding personnel, equipment, resources, or multiagency
14 response;

15 (iii) suggestions for revising policy, such
16 as improving training and equipment; and

17 (iv) any additional considerations that
18 would improve the agency's or provider's response to active shooter
19 events in the future; and

20 (2) any other content the division considers
21 appropriate.

22 (d) The division shall adopt rules to implement this
23 section, including a rule defining "active shooter event."

24 (e) A local law enforcement agency or emergency medical
25 services provider that complies with this section regarding an
26 active shooter event is not required to conduct any evaluation or
27 issue any report that may be required under Section [418.188](#)

1 regarding that event.

2 Sec. 418.1877. TRAINING ON RESPONSES TO ACTIVE SHOOTER
3 EVENTS REQUIRED. (a) In this section:

4 (1) "Emergency medical services personnel" and
5 "emergency medical services provider" have the meanings assigned by
6 Section 773.003, Health and Safety Code.

7 (2) "Local law enforcement agency" has the meaning
8 assigned by Section 418.1873.

9 (b) The division by rule shall require the peace officers of
10 each local law enforcement agency and the emergency medical
11 services personnel of each emergency medical services provider to
12 complete a training program each year that involves reviewing at
13 least one final report required by Section 418.1873.

14 (c) The division shall collaborate with the department, the
15 Texas Commission on Law Enforcement, and the Department of State
16 Health Services, as appropriate, to develop the training programs
17 required by Subsection (b).

18 (d) The division, the Texas Commission on Law Enforcement,
19 and the Department of State Health Services may adopt rules to
20 enforce this section.

21 SECTION 10. Chapter 418, Government Code, is amended by
22 adding Subchapter K to read as follows:

23 SUBCHAPTER K. CERTIFICATION AND CONTINUING EDUCATION REQUIRED FOR
24 CERTAIN PUBLIC INFORMATION OFFICERS

25 Sec. 418.331. DEFINITION. In this subchapter, "public
26 information officer" means an individual who is employed or
27 appointed by a state agency, local government entity, or

1 open-enrollment charter school and whose duties include
2 communicating with the public during a disaster regarding the
3 disaster.

4 Sec. 418.332. CERTIFICATION AND CONTINUING EDUCATION
5 REQUIRED FOR CERTAIN PUBLIC INFORMATION OFFICERS. Each of the
6 following entities shall employ or appoint a public information
7 officer who must obtain certification in emergency communications
8 from the division and complete continuing education on emergency
9 communications as provided by this subchapter:

10 (1) a municipality, including the municipal police
11 department;

12 (2) a county;

13 (3) a sheriff's office;

14 (4) an independent school district;

15 (5) an open-enrollment charter school;

16 (6) the department; and

17 (7) the division.

18 Sec. 418.333. CERTIFICATION AND CONTINUING EDUCATION. (a)
19 A public information officer described by Section 418.332 shall:

20 (1) obtain certification from the division in
21 emergency communications not later than the first anniversary of
22 the date the public information officer was hired or appointed; and

23 (2) complete a continuing education program on
24 emergency communications administered by the Federal Emergency
25 Management Agency and approved by the division twice during each
26 12-month period beginning on the date the public information
27 officer obtained certification.

1 (b) The division shall establish minimum education and
2 training requirements for initial certification and continuing
3 education under this subchapter by designating courses approved by
4 the Federal Emergency Management Agency. These minimum
5 requirements must include courses provided by the Federal Emergency
6 Management Agency on:

- 7 (1) the National Incident Management System;
8 (2) the Incident Command System; and
9 (3) the basic skills and principles necessary to
10 fulfill the role of a public information officer with respect to
11 emergency communications.

12 (c) The division shall assist the entities subject to
13 Section 418.332 in identifying approved training programs.

14 Sec. 418.334. COMPLIANCE RECORDS; INSPECTION. (a) Each
15 entity subject to Section 418.332 shall:

16 (1) maintain records that demonstrate the compliance
17 of each public information officer employed or appointed by that
18 entity with the certification and continuing education
19 requirements of this subchapter; and

20 (2) permit inspection and copying by the division,
21 during reasonable hours and in a reasonable manner, of the
22 compliance records required to be maintained under Subdivision (1).

23 (b) The division shall permit inspection and copying by the
24 department of the compliance records the division maintains under
25 Subsection (a)(1) during reasonable hours and in a reasonable
26 manner.

27 Sec. 418.335. RULES. The division may adopt rules to

1 administer this subchapter.

2 SECTION 11. Subchapter A, Chapter 772, Government Code, is
3 amended by adding Sections 772.00791, 772.013, and 772.014 to read
4 as follows:

5 Sec. 772.00791. LAW ENFORCEMENT AGENCY ACCREDITATION GRANT
6 PROGRAM. (a) In this section, "criminal justice division" means
7 the criminal justice division established under Section 772.006.

8 (b) The criminal justice division shall establish and
9 administer a grant program to provide financial assistance to a law
10 enforcement agency in this state for purposes of becoming
11 accredited or maintaining accreditation:

12 (1) through the Texas Police Chiefs Association Law
13 Enforcement Agency Best Practices Accreditation Program;

14 (2) by the Commission on Accreditation for Law
15 Enforcement Agencies, Inc.;

16 (3) by the International Association of Campus Law
17 Enforcement Administrators;

18 (4) by an accreditation program developed by the
19 Sheriffs' Association of Texas; or

20 (5) by an association or organization designated by
21 the Texas Commission on Law Enforcement as provided by Subsection
22 (i).

23 (c) Except as provided by Subsection (e), the amount of a
24 grant awarded to a law enforcement agency under this section is as
25 follows:

26 (1) \$25,000 for each qualifying accreditation:

27 (A) held by the agency on the date on which the

1 program under this section was established; or

2 (B) received by the agency after the date
3 described by Paragraph (A); and

4 (2) \$12,500 for each qualifying reaccreditation
5 received by the agency after the date described by Subdivision
6 (1)(A).

7 (d) A law enforcement agency may not be awarded a grant
8 described by Subsection (c)(1) with respect to an accreditation for
9 which the agency has previously been awarded a grant under that
10 subsection.

11 (e) If a law enforcement agency was awarded a grant
12 described by Subsection (c)(1) and the accreditation expires
13 without the agency receiving reaccreditation, the agency may be
14 awarded a grant under this section in the amount provided by
15 Subsection (c)(2) for becoming accredited by the accrediting entity
16 for which the grant under Subsection (c)(1) was awarded.

17 (f) The criminal justice division shall establish:

18 (1) eligibility criteria for grant applicants;

19 (2) grant application procedures;

20 (3) guidelines relating to grant amounts;

21 (4) procedures for evaluating grant applications; and

22 (5) procedures for monitoring the use of a grant
23 awarded under the program and ensuring compliance with any
24 conditions of a grant.

25 (g) Not later than December 1 of each year, the criminal
26 justice division shall submit to the Legislative Budget Board a
27 report that provides the following information for the preceding

1 state fiscal year:

2 (1) the name of each law enforcement agency that
3 applied for a grant under this section; and

4 (2) the amount of money distributed to each law
5 enforcement agency awarded a grant under this section.

6 (h) The criminal justice division may use any revenue
7 available for purposes of this section.

8 (i) The criminal justice division, with the assistance of
9 the Texas Commission on Law Enforcement, shall periodically review
10 associations and organizations that establish standards of
11 practice for law enforcement agencies and that offer accreditation
12 to agencies that meet those standards. On a determination by the
13 criminal justice division that accreditation of law enforcement
14 agencies in this state by an association or organization would
15 benefit public safety, the commission may designate the association
16 or organization as an accrediting entity for purposes of Subsection
17 (b)(5).

18 Sec. 772.013. COMPLEX EMERGENCY RESPONSE AND INVESTIGATION
19 PLANNING FOR DEPARTMENT OF PUBLIC SAFETY AND CERTAIN POLITICAL
20 SUBDIVISIONS. (a) In this section:

21 (1) "Council of governments" means a regional planning
22 commission or similar regional planning commission created under
23 Chapter 391, Local Government Code.

24 (2) "Department" means the Department of Public
25 Safety.

26 (3) "First responder" means:

27 (A) a peace officer described by Article 2A.001,

1 Code of Criminal Procedure;

2 (B) an individual included as fire protection
3 personnel by Section 419.021; and

4 (C) an individual included as emergency medical
5 services personnel by Section 773.003, Health and Safety Code.

6 (b) To prepare for complex responses to and investigations
7 of emergencies that may occur within the territory of a council of
8 governments and that require mutual aid and support from more than
9 one governmental entity, the department and each political
10 subdivision that elects, appoints, or employs a first responder
11 within the territory of the council of governments shall
12 collectively participate in a multiagency tabletop exercise at
13 least semiannually and an in-person drill exercise at least
14 annually.

15 (c) The department shall invite any appropriate federal
16 agency to participate in an exercise described by Subsection (b).

17 Sec. 772.014. MUTUAL AID AGREEMENTS BETWEEN DEPARTMENT OF
18 PUBLIC SAFETY AND LOCAL LAW ENFORCEMENT AGENCIES. (a) In this
19 section:

20 (1) "Council of governments" means a regional planning
21 commission or similar regional planning commission created under
22 Chapter 391, Local Government Code.

23 (2) "Department" means the Department of Public
24 Safety.

25 (b) The department and each local law enforcement agency
26 located wholly or partly within the geographic boundaries of a
27 council of governments shall collectively enter into a mutual aid

1 agreement that establishes the procedures for the provision of
2 resources, personnel, facilities, equipment, and supplies in
3 responses to critical incidents in a vertically integrated fashion.

4 (c) In establishing the procedures, the department and
5 local law enforcement agencies shall:

6 (1) give priority to establishing the
7 interoperability of communications equipment among the parties to
8 the agreement;

9 (2) establish procedures for interagency coordination
10 in activities arising from critical incidents, including evidence
11 collection;

12 (3) set jurisdictional boundaries; and

13 (4) determine the capabilities, processes, and
14 expectations among the parties to the agreement.

15 (d) The department shall invite any appropriate federal
16 agency to enter into the agreement described by Subsection (b).

17 SECTION 12. Chapter 370, Local Government Code, is amended
18 by adding Sections 370.010, 370.011, and 370.012 to read as
19 follows:

20 Sec. 370.010. RESILIENT EMERGENCY MANAGEMENT SYSTEM FOR
21 CERTAIN POLITICAL SUBDIVISIONS. (a) In this section, "first
22 responder" means:

23 (1) a peace officer described by Article 2A.001, Code
24 of Criminal Procedure;

25 (2) an individual included as fire protection
26 personnel by Section 419.021, Government Code; or

27 (3) an individual included as emergency medical

1 services personnel by Section 773.003, Health and Safety Code.

2 (b) A political subdivision that elects, appoints, or
3 employs first responders shall develop a resilient emergency
4 management system to coordinate the political subdivision's
5 response to an emergency. The system must provide for the
6 establishment of:

7 (1) a shared emergency response plan across each
8 department or agency of the political subdivision with a first
9 responder; and

10 (2) a multi-department and agency coordination group
11 to support resource prioritization and allocation for the political
12 subdivision during an emergency.

13 (c) The governing body of a political subdivision by
14 official action must approve the resilient emergency management
15 system required to be established under Subsection (b) for the
16 political subdivision.

17 Sec. 370.011. RECOVERY OF SERVICES OF CERTAIN POLITICAL
18 SUBDIVISIONS AND INTERJURISDICTIONAL AGENCIES AFTER ACTIVE SHOOTER
19 EMERGENCY. (a) In this section, "interjurisdictional agency" has
20 the meaning assigned by Section 418.004, Government Code.

21 (b) Each political subdivision and interjurisdictional
22 agency with an operations plan for emergency response shall adopt
23 and implement measures for the prompt recovery of services provided
24 by the political subdivision or agency after an active shooter
25 emergency.

26 Sec. 370.012. TACTICAL EQUIPMENT FOR LAW ENFORCEMENT
27 RESPONSE TO CRITICAL INCIDENT. (a) In this section:

1 (1) "Critical incident" has the meaning assigned by
2 Section 772.0074, Government Code.

3 (2) "Institution of higher education" means:

4 (A) an institution of higher education as defined
5 by Section 61.003, Education Code; or

6 (B) a private or independent institution of
7 higher education as defined by that section.

8 (3) "Law enforcement agency" means:

9 (A) a municipal police department;

10 (B) a county sheriff's department;

11 (C) a county constable's department; or

12 (D) a department or agency of a school district,
13 open-enrollment charter school, or institution of higher education
14 authorized by law to employ peace officers.

15 (4) "Peace officer" means an individual described by
16 Article 2A.001, Code of Criminal Procedure.

17 (5) "Tactical equipment" means equipment intended for
18 use by a peace officer to facilitate the officer's onsite response
19 to an ongoing critical incident, including:

20 (A) a weapon;

21 (B) a breaching tool;

22 (C) a ballistic shield; and

23 (D) a bulletproof vest or body armor.

24 (b) A law enforcement agency shall make available for use by
25 the agency's peace officers sufficient tactical equipment to allow
26 the peace officers to effectively respond to a critical incident.

27 (c) A law enforcement agency satisfies the requirement of

1 Subsection (b) by providing tactical equipment to equip the greater
2 of:

3 (1) at least 20 percent of the agency's peace officers;

4 or

5 (2) five of the agency's peace officers.

6 (d) A law enforcement agency may enter into a mutual aid
7 agreement with a law enforcement agency with overlapping or
8 adjacent jurisdiction to share tactical equipment during a critical
9 incident in the quantity that allows the agency to meet the
10 equipment requirement prescribed by Subsection (c).

11 SECTION 13. Chapter 391, Local Government Code, is amended
12 by adding Section 391.0041 to read as follows:

13 Sec. 391.0041. MENTAL HEALTH RESOURCES PLAN FOR FIRST
14 RESPONDER INVOLVED IN CRITICAL INCIDENT. (a) In this section:

15 (1) "Council of governments" means a regional planning
16 commission for a state planning region created under this chapter.

17 (2) "Critical incident" means an incident involving a
18 first responder that occurs while the first responder is performing
19 official duties and that results in serious bodily injury to the
20 first responder or poses a substantial risk of serious bodily
21 injury or death to the first responder or of serious harm to the
22 first responder's mental health or well-being.

23 (3) "First responder" means:

24 (A) a peace officer described by Article 2A.001,
25 Code of Criminal Procedure;

26 (B) an individual included as fire protection
27 personnel by Section 419.021, Government Code; and

1 (C) an individual included as emergency medical
2 services personnel by Section 773.003, Health and Safety Code.

3 (b) Each council of governments shall develop a mental
4 health resources plan to address the mental health needs of a first
5 responder following a critical incident that occurs within the
6 territory of the council.

7 (c) A plan developed under Subsection (b):

8 (1) must require the council of governments to
9 provide:

10 (A) education and training to a first responder
11 prior to a critical incident on topics including:

12 (i) the potential psychological impact that
13 being involved in an incident may have on the first responder; and

14 (ii) resources available to the first
15 responder to address the psychological impact of an incident,
16 including mental health counseling, peer support programs, and
17 stress management practices; or

18 (B) a list of recommended providers located
19 within the territory of the council who can provide the education
20 and training described by Paragraph (A);

21 (2) may recommend that an employer of a first
22 responder:

23 (A) provide mental health counseling for the
24 first responder following a critical incident;

25 (B) create a process to conduct a critical
26 incident stress debriefing following an incident; and

27 (C) create a peer support program to support the

1 first responder following an incident; and

2 (3) may include any other recommendation the council
3 of governments considers appropriate to address the mental health
4 needs of a first responder following a critical incident.

5 SECTION 14. Section 1701.253, Occupations Code, is amended
6 by adding Subsection (u) to read as follows:

7 (u) As part of the minimum curriculum requirements, the
8 commission shall require an officer to complete the training
9 courses described by Section 1701.273.

10 SECTION 15. Subchapter F, Chapter 1701, Occupations Code,
11 is amended by adding Section 1701.273 to read as follows:

12 Sec. 1701.273. TRAINING ON INCIDENT RESPONSE AND COMMAND.

13 (a) The commission shall require a peace officer to complete the
14 following emergency response management training courses, or a
15 substantially similar successor course as determined by the
16 commission, provided by the Federal Emergency Management Agency:

17 (1) Introduction to the Incident Command System; and

18 (2) National Incident Management System, An
19 Introduction.

20 (b) The commission shall require an officer to complete the
21 training courses described by Subsection (a) unless the officer has
22 completed the training under Section 1701.253(u).

23 SECTION 16. Subchapter H, Chapter 1701, Occupations Code,
24 is amended by adding Section 1701.3526 to read as follows:

25 Sec. 1701.3526. CONTINUING EDUCATION ON INCIDENT RESPONSE

26 AND COMMAND. (a) The commission shall require a peace officer whose
27 duties involve the supervision of officers in an incident response

1 to complete, as part of the continuing education programs under
2 Section 1701.351(a), an advanced incident response and command
3 course provided by the Federal Emergency Management Agency, as
4 determined by commission rule.

5 (b) The exemption under Section 1701.351(d) does not apply
6 to the training required by Subsection (a).

7 SECTION 17. Each law enforcement agency to which Article
8 2A.067, Code of Criminal Procedure, as added by this Act, applies
9 shall adopt the policy required by that article as soon as
10 practicable after the effective date of this Act.

11 SECTION 18. Not later than December 1, 2025, the Texas
12 Division of Emergency Management shall develop and post the guide
13 required by Section 418.059, Government Code, as added by this Act.

14 SECTION 19. A public information officer described by
15 Section 418.332, Government Code, as added by this Act, who was
16 employed or appointed before the effective date of this Act shall
17 obtain the certification required by Section 418.333, Government
18 Code, as added by this Act, not later than September 1, 2026.

19 SECTION 20. Not later than January 1, 2026, the Department
20 of Public Safety and local law enforcement agencies shall enter
21 into mutual aid agreements as required by Section 772.014,
22 Government Code, as added by this Act.

23 SECTION 21. Not later than January 1, 2026, each political
24 subdivision subject to Section 370.010, Local Government Code, as
25 added by this Act, shall establish a resilient emergency management
26 system as required by that section.

27 SECTION 22. As soon as practicable after the effective date

1 of this Act, each council of governments, as defined by Section
2 391.0041, Local Government Code, as added by this Act, shall
3 develop a mental health resources plan required to be created under
4 that section.

5 SECTION 23. As soon as practicable after the effective date
6 of this Act, the Texas Commission on Law Enforcement shall adopt
7 rules to implement the changes in law made by this Act to
8 Subchapters F and H, Chapter 1701, Occupations Code.

9 SECTION 24. The minimum curriculum requirements under
10 Section 1701.253(u), Occupations Code, as added by this Act, apply
11 only to an officer who first begins to satisfy those requirements on
12 or after January 1, 2026.

13 SECTION 25. Section 1701.3526, Occupations Code, as added
14 by this Act, applies only with respect to a 24-month continuing
15 education training unit that begins on or after the effective date
16 of this Act. A training unit that begins before the effective date
17 of this Act is governed by the law in effect on the date the training
18 unit began, and the former law is continued in effect for that
19 purpose.

20 SECTION 26. This Act takes effect September 1, 2025.