

BILL ANALYSIS

C.S.H.B. 103
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In August 2019, a mass shooting occurred in West Texas in which a gunman shot and killed several and injured many others across the Midland-Odessa area from his moving vehicle. It has been noted that the shooting spree lasted for over an hour and suggested that, had the public been more aware of the gunman's location and the continued existence of the threat he posed, more lives could have been saved. C.S.H.B. 103 seeks to ensure that the public has greater access to critically important information in these life-threatening situations by providing for the development and implementation of the Texas Active Shooter Alert System to be activated on report of an active shooter.

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 public safety director of the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 103 amends the Government Code to require the Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the governor's office, and other appropriate law enforcement agencies in Texas, to develop and implement the Texas Active Shooter Alert System to be activated on report of an active shooter. The bill designates the public safety director of DPS as the statewide coordinator of the alert system and requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system, including instructions on activation and deactivation procedures.

C.S.H.B. 103 requires DPS to recruit public and commercial television and radio broadcasters, mobile telephone service providers by use of the federal Wireless Emergency Alert system, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system, and authorizes DPS to enter into agreements with alert system participants to provide necessary support for the alert system.

C.S.H.B. 103 requires DPS, on the request of a local law enforcement agency that has verified that specified criteria regarding an active shooter situation have been met, to activate the alert system in a 50-mile radius of the active shooter's location and notify appropriate alert system participants. On verification of the criteria, the local law enforcement agency may immediately contact DPS to request activation and supply the necessary information on the request forms prescribed by the director. The bill authorizes DPS to modify the activation criteria as necessary

for the proper implementation of the alert system and provides for the director's termination of an activation of the alert system.

C.S.H.B. 103 requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system and to establish a plan for providing relevant information to agency officers, investigators, or employees, as appropriate, on activation of the alert system.

C.S.H.B. 103 requires TxDOT to establish a plan for providing relevant information to the public within 50 miles of an active shooter for which an alert has been issued through an existing system of dynamic message signs located across Texas. The bill establishes that TxDOT is not required to use any such existing system in a statewide alert system if it receives notice from the U.S. Department of Transportation Federal Highway Administration (FHWA) that the use would result in the loss of federal highway funding or other punitive actions taken against the state due to noncompliance with federal laws, regulations, or policies.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 103 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute specifies that assistance provided by mobile telephone providers in developing and implementing the alert system is by use of the federal Wireless Emergency Alert System.

The substitute includes a provision establishing that TxDOT is not required to use any existing system of dynamic message signs in the alert system if it receives notice from the FHWA that the use would result in the loss of federal highway funding or other punitive actions taken against the state due to noncompliance with federal laws, regulations, or policies.