

SUBJECT: Creating the Texas Active Shooter Alert System

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

0 nays

WITNESSES: For — Father Tim Hayter; Joanna Leyva; Juan Hernandez; (*Registered, but did not testify*: Jennifer Allmon, The Texas Catholic Conference of Bishops; Thomas Parkinson)

Against — None

On — Amy Hauck, Texas Department of Public Safety-Intelligence and Counterterrorism; (*Registered, but did not testify*: Shelia Franklin, True Texas Project)

DIGEST: CSHB 103 would create the Leilah Hernandez Act and require the Department of Public Safety (DPS) to develop and implement an alert system to be activated on report of an active shooter.

In developing the alert system, DPS would cooperate with the Texas Department of Transportation (TxDOT), the Office of the Governor, and other law enforcement and state agencies. DPS would have to recruit public and commercial TV and radio broadcasters, mobile phone service providers by use of the federal Wireless Emergency Alert system, private commercial entities, state or local governmental entities, and the public to assist in developing and implementing the alert system.

The public safety director would be the statewide coordinator of the alert system and would have to adopt rules and issue directives to ensure proper implementation, including instruction on the procedures for activating and deactivating the alert system. The director also would prescribe forms for

local law enforcement agencies to use in requesting system activation.

DPS would have to activate the alert system in a 50-mile radius of an active shooter's location and notify alert system participants on request of a local law enforcement agency if the agency:

- believed an active shooter was in the agency's jurisdiction;
- determined an active shooter alert would assist individuals near the location;
- verified the active shooter situation through preliminary investigation; and
- provided DPS with the active shooter's last known location and any identifiable information for the active shooter.

DPS could modify the above criteria if necessary for proper implementation of the alert system.

Before requesting activation of the alert system, a local law enforcement agency would have to verify that the criteria had been satisfied, and once verified, the agency could contact DPS immediately to request activation and supply the necessary information.

The public safety director would be required to terminate any activation of the alert system if the active shooter situation were resolved or the director determined the alert system was no longer an effective tool for providing information to the public.

A state agency participating in the alert system would be required to cooperate with DPS and assist in developing and implementing the system and establish a plan for providing relevant information to its officers, investigators, or employees on activation of the alert system.

TxDOT would have to establish a plan for providing relevant information to the public within 50 miles of an active shooter through an existing system of dynamic message signs located across the state. TxDOT would not have to use any existing system of dynamic message signs in a

statewide alert system if TxDOT received notice from the U.S. Department of Transportation Federal Highway Administration that the use of the signs 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.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 103 would help reduce the impact of mass violence by ensuring the public had greater access to information during life-threatening situations. As an increasing number of cities experience mass shooting incidents, implementing an alert system would help prevent future loss of life by providing critical information so the public could make informed decisions on actions necessary to protect themselves and their families.

To save lives of Texans during active, mass shooting events and to protect against an oversaturation of public safety alerts, only individuals near an event would be notified. Unnecessarily alarming the public about something happening outside of their area, including on the other side of the state, could result in alert fatigue and undermine the effectiveness of alert systems.

The active shooter alert system could be implemented with existing technologies and resources and in a manner similar to other alert systems, such as the AMBER and Silver alerts. To ensure effective implementation of the alert system and should any unforeseen costs arise, \$1 million could be made available to DPS for fiscal 2022 through a rider in Art. 11 of HB 1 by Bonnen, the general appropriations act, contingent on the passage of this bill or similar legislation.

**CRITICS
SAY:**

CSHB 103 should ensure the alert system was developed to mitigate unintended consequences, especially since most active shooter situations could be resolved before an alert was issued. Instead of requiring DPS to notify the public within a 50-mile radius of an active shooter event, the bill should provide only guidelines on location to give local law enforcement agencies more flexibility and discretion in tailoring the alert.

For example, activating an alert within a 50-mile radius of a metropolitan area could result in unnecessarily alarming thousands of people, while a similar alert issued around a rural area could have less impact. By only notifying those most likely to be affected by the event, the bill could ensure the public was not desensitized to public safety alerts due to oversaturation.

OTHER
CRITICS
SAY:

Building an active shooter alert system that provided timely and geographically pinpointed information could be challenging with existing resources. Current alerting systems are not capable of being limited to a specific geographic radius, and with the processing time necessary to issue existing alerts, most active shooter events would be resolved before the alert was issued. Additional resources would be needed to speed up processing time and ensure that the alert could reach those possibly affected by an active shooter event in time.

NOTES:

The bill's author intends to offer a floor amendment that would:

- remove the requirement that the alert system be activated in a 50-mile radius of the active shooter's location;
- specify that DPS or a local law enforcement agency was not liable for failure to activate the alert system;
- require DPS to activate the alert system as the department determined appropriate to assist a local law enforcement agency;
- and
- require the public safety director to terminate the activation of the alert system if a local law enforcement agency determined the alert system was no longer an effective tool for providing information to the public.