

By: Watson

S.B. No. 1572

A BILL TO BE ENTITLED

AN ACT

relating to intelligence data standards and protected personal information.

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

SECTION 1. Chapter 421, Government Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. FUSION CENTERS IN GENERAL

Sec. 421.101. DEFINITION. In this subchapter, "noncriminal information" means any data about persons, organizations, events, incidents, or objects, regardless of the medium in which the information exists, where no reasonable suspicion exists that a criminal activity is occurring or is about to occur.

Sec. 421.102. COLLECTION OF CERTAIN INTELLIGENCE DATA AND NONCRIMINAL INFORMATION PROHIBITED. A fusion center may not:

(1) review, collect, or maintain noncriminal information or criminal intelligence data about the political, religious, or social views, associations, military history, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless the information directly relates to criminal conduct or activity and reasonable suspicion exists that the subject of the information is or may be involved in criminal conduct or activity; or

(2) review, collect, or maintain protected health information, biometric information, or personally identifiable

1 information unless the information directly relates to criminal
2 conduct or activity and reasonable suspicion exists that the
3 subject of the information is or may be involved in criminal conduct
4 or activity.

5 SECTION 2. Subchapter F, Chapter 421, Government Code, is
6 redesignated as Subchapter G, Chapter 421, Government Code, and
7 amended to read as follows:

8 SUBCHAPTER G [~~F~~]. GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS
9 PROGRAM

10 Sec. 421.121 [~~421.095~~]. DEFINITIONS. In this subchapter:

11 (1) "First responder" means a public safety employee
12 or volunteer whose duties include responding rapidly to an
13 emergency. The term includes:

14 (A) a peace officer whose duties include
15 responding rapidly to an emergency;

16 (B) fire protection personnel under Section
17 419.021;

18 (C) a volunteer firefighter who is:

19 (i) certified by the Texas Commission on
20 Fire Protection or by the State Firemen's and Fire Marshalls'
21 Association of Texas; or

22 (ii) a member of an organized volunteer
23 fire-fighting unit as described by Section 615.003; and

24 (D) an individual certified as emergency medical
25 services personnel by the Department of State Health Services.

26 (2) "Infrastructure equipment" means the underlying
27 permanent equipment required to establish interoperable

1 communication between radio systems used by local, state, and
2 federal agencies and first responders.

3 Sec. 421.122 [~~421.096~~]. INTEROPERABILITY OF RADIO SYSTEMS.

4 The office of the governor shall:

5 (1) develop and administer a strategic plan to design
6 and implement a statewide integrated public safety radio
7 communications system that promotes interoperability within and
8 between local, state, and federal agencies and first responders;

9 (2) develop and administer a plan in accordance with
10 Subdivision (1) to purchase infrastructure equipment for state and
11 local agencies and first responders;

12 (3) advise representatives of entities in this state
13 that are involved in homeland security activities with respect to
14 interoperability; and

15 (4) use appropriated money, including money from
16 relevant federal homeland security grants, for the purposes of
17 designing, implementing, and maintaining a statewide integrated
18 public safety radio communications system.

19 Sec. 421.123 [~~421.097~~]. ASSISTANCE. The office of the
20 governor may consult with a representative of an entity described
21 by Section 421.122(3) [~~421.096(3)~~] to obtain assistance or
22 information necessary for the performance of any duty under this
23 subchapter.

24 Sec. 421.124 [~~421.098~~]. REPORT. Not later than September 1
25 of each year, the office of the governor shall provide to the
26 legislature a report on the status of its duties under this
27 subchapter.

1 SECTION 3. Section 74.151(a), Civil Practice and Remedies
2 Code, is amended to read as follows:

3 (a) A person who in good faith administers emergency care is
4 not liable in civil damages for an act performed during the
5 emergency unless the act is wilfully or wantonly negligent,
6 including a person who:

7 (1) administers emergency care using an automated
8 external defibrillator; or

9 (2) administers emergency care as a volunteer who is a
10 first responder as the term is defined under Section 421.121
11 [~~421.095~~], Government Code.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.