

By: Burns, Leach, Canales, Thierry, et al.

H.B. No. 3150

A BILL TO BE ENTITLED

AN ACT

relating to a merchant allowing a person suspected of committing or attempting to commit theft to complete a theft education program.

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

SECTION 1. Section 124.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 124.001. DETENTION. (a) A person who reasonably believes that another has stolen or is attempting to steal property is privileged to detain that person in a reasonable manner and for a reasonable time to investigate ownership of the property.

(b) A person who is in the business of selling goods or services as a merchant is not precluded from offering a person who is suspected of stealing or attempting to steal property from the merchant an opportunity to complete a theft education program under Section 124.002 to deter theft and address criminal behavior instead of reporting the suspected offense to a law enforcement agency.

(c) A merchant who offers a person an opportunity to complete a theft education program shall, in writing:

(1) notify the person of that opportunity; and

(2) inform the person of the civil and criminal remedies available to the merchant and the state, including informing the person that the merchant retains the right to report the suspected offense to a law enforcement agency if the person does

1 not successfully complete the program.

2 SECTION 2. Chapter 124, Civil Practice and Remedies Code,
3 is amended by adding Section 124.002 to read as follows:

4 Sec. 124.002. THEFT EDUCATION PROGRAM. (a) A theft
5 education program for a person who is suspected of stealing or
6 attempting to steal property under Section 124.001 must:

7 (1) address the type of alleged criminal offense;

8 (2) seek to modify the person's behavioral
9 decision-making process;

10 (3) engage the person with interactive exercises
11 designed to instill appropriate societal behavior; and

12 (4) promote accountability and reconciliation between
13 the person and the merchant.

14 (b) A provider of a theft education program may not
15 discriminate against a person who is otherwise eligible to
16 participate in the program based on:

17 (1) the person's race, color, religion, sex, familial
18 status, or national origin; or

19 (2) the person's ability to pay.

20 (c) A program provider that charges a fee for participation
21 in a theft education program:

22 (1) shall develop a plan to offer discounts,
23 alternative payment schedules, or scholarship funds to a person who
24 the provider has verified is indigent; and

25 (2) may reduce or waive the fee for the program based
26 on the ability to pay of a person described by Subdivision (1).

27 SECTION 3. This Act takes effect September 1, 2017.