

By: Burns, Leach, Canales, et al.

H.B. No. 3150

Substitute the following for H.B. No. 3150:

By: Workman

C.S.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 (d) A merchant who offers a person an opportunity to
3 complete a theft education program may not receive compensation
4 directly or indirectly from:

5 (1) the person suspected of stealing or attempting to
6 steal property from the merchant; or

7 (2) the provider of a theft education program
8 described by Section 124.002.

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

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

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

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

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

19 (4) promote accountability and reconciliation between
20 the person and the merchant.

21 (b) A person is not eligible to participate in a theft
22 education program if, within the five-year period preceding the
23 date of the suspected offense, the person has previously attended
24 any part of a program under this section unless a court that would
25 have jurisdiction over the prosecution of the suspected offense
26 allows the person to participate in the program.

27 (c) A provider of a theft education program must maintain

1 records of all persons who have participated in the provider's
2 theft education program during the preceding five years. On a law
3 enforcement agency's request, the provider shall disclose to the
4 agency any records relating to a person's participation in the
5 program.

6 (d) A provider of a theft education program may not
7 discriminate against a person who is otherwise eligible to
8 participate in the program based on:

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

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

12 (e) If a person is not eligible to participate in a theft
13 education program under Subsection (b), the provider of the program
14 shall notify the merchant who offered the person the opportunity to
15 complete the program under Section [124.001](#).

16 (f) A provider of a theft education program may not charge a
17 fee that exceeds \$500 for participation in the program.

18 (g) A provider of a theft education program:

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

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

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