

By: Burns

H.B. No. 3002

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. SUSPECTED THEFT OF PROPERTY OR ATTEMPTED THEFT OF PROPERTY [~~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:

(1) notify the person of that opportunity;

(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

1 the suspected offense to a law enforcement agency if the person does  
2 not successfully complete the program; and

3 (3) maintain records for a period of not less than two  
4 years of:

5 (A) any criteria used by the merchant in  
6 determining whether to offer a person the opportunity to complete a  
7 theft education program;

8 (B) the terms of each offer made; and

9 (C) the name of each person to whom the merchant  
10 made an offer.

11 (d) A merchant shall make records maintained under  
12 Subsection (c)(3) available to a district attorney, criminal  
13 district attorney, or county attorney on request.

14 (e) A merchant with more than 25 employees shall allow a  
15 person who is suspected of stealing or attempting to steal property  
16 from the merchant to complete a theft education program under  
17 Section 124.002 instead of reporting the suspected offense to a law  
18 enforcement agency if:

19 (1) the suspected offense is punishable as a  
20 misdemeanor; and

21 (2) the person has not been suspected of stealing or  
22 attempting to steal property from the merchant during the previous  
23 12-month period.

24 (f) Nothing in this section precludes a peace officer,  
25 district attorney, criminal district attorney, county attorney, or  
26 judge from offering a person a theft education program under  
27 Section 124.002 in compliance with this chapter.

1 SECTION 2. Chapter 124, Civil Practice and Remedies Code,  
2 is amended by adding Sections 124.002 and 124.003 to read as  
3 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) be authorized by the office of the attorney  
8 general;

9 (2) address the type of alleged criminal offense;

10 (3) seek to modify the person's behavioral  
11 decision-making process;

12 (4) engage the person with interactive exercises  
13 designed to instill appropriate societal behavior; and

14 (5) promote accountability and reconciliation between  
15 the person and the merchant.

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

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

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

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

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

27 (2) may reduce or waive the fee for the program based

1 on the ability to pay of a person described by Subdivision (1); and  
2 (3) may not compensate a merchant who offers a person  
3 the opportunity to complete the program.

4 (d) A person may not be required to make an admission of  
5 guilt to participate in a theft education program.

6 (e) Notwithstanding any other law, a person who  
7 successfully completes a theft education program under this section  
8 may not be subject to any additional civil penalties under any other  
9 provision of law.

10 Sec. 124.003. IMMUNITY FROM CRIMINAL AND CIVIL LIABILITY.

11 A person who offers or provides a theft education program in  
12 compliance with this chapter is not criminally or civilly liable  
13 for failure to notify a law enforcement agency of the suspected  
14 theft or attempted theft.

15 SECTION 3. This Act takes effect September 1, 2021.