

BILL ANALYSIS

Senate Research Center
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H.B. 1826
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The House Committee on Business and Industry studied the effects of organized retail theft on Texas businesses as one of their interim charges. The committee found that this type of theft is a serious problem increasing in intensity in Texas and across the country and that retailers are looking for help combatting it. Witnesses noted that when thieves conduct organized retail crime across jurisdictions, it can be more difficult to apprehend and charge them due to a lack of coordination between jurisdictions. Interested parties, such as retailers, law enforcement, and online marketplaces, have suggested that the use of a task force with the goal of coordinating a response to organized retail theft would be an effective tool against this type of crime.

H.B. 1826 seeks to address the problem by directing the Comptroller of Public Accounts of the State of Texas to appoint a statewide task force to study the impact of organized retail crime in Texas and provide recommendations to address this type of crime. This study would culminate with a report given to relevant public officials.

H.B. 1826 amends current law relating to the establishment of an organized retail theft task force.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 403, Government Code, by adding Section 403.0302, as follows:

Sec. 403.0302. ORGANIZED RETAIL THEFT TASK FORCE. (a) Defines "organized retail theft."

(b) Requires the Comptroller of Public Accounts of the State of Texas (comptroller) to appoint a task force to study and make recommendations related to preventing organized retail theft in this state.

(c) Requires the task force to include:

(1) at least one representative from a retailer with a physical retail location;

(2) at least one representative from an online retailer; and

(3) representatives from local, state, and federal law enforcement agencies.

(d) Requires the comptroller to designate a member of the task force as the presiding officer.

(e) Requires the task force to meet at least quarterly at the call of the presiding officer. Authorizes a task force meeting to be conducted virtually through the Internet.

(f) Requires the task force to conduct an ongoing study of organized retail theft in this state. Requires the task force, in conducting the study, to:

(1) review laws and regulations addressing organized retail theft in other jurisdictions, including international political and economic organizations;

(2) analyze:

(A) the impact of organized retail theft on the collection of sales tax;

(B) the long-term economic impacts of organized retail theft; and

(C) the advantages and disadvantages of taking various actions to reduce organized retail theft; and

(3) make recommendations regarding:

(A) organized retail theft outreach and prevention programs, including coordination among stakeholders, including local, state, and federal law enforcement agencies; and

(B) training for law enforcement officers and prosecutors on effective strategies for combating organized retail theft.

(g) Authorizes the members of the task force, in conducting the study under Subsection (f), to:

(1) consult with any organization, governmental entity, or person the task force considers necessary; and

(2) collaborate and share information relating to an active criminal investigation with one another regardless of whether the information would otherwise be confidential and not subject to disclosure under Chapter 552 (Public Information).

(h) Requires the task force to prepare and submit a report of the study conducted under Subsection (f) to the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, and each standing committee of the legislature with primary jurisdiction over criminal justice matters, not later than December 1 of each even-numbered year.

(i) Provides that the report submitted under Subsection (h):

(1) is required to include legislative and other recommendations to increase transparency, improve security, enhance consumer protections, prevent organized retail theft, and address the long-term economic impact of organized retail theft; and

(2) is authorized to be submitted electronically.

(j) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the duration of the task force or to the designation of the task force's presiding officer.

SECTION 2. Requires the comptroller to appoint the organized retail theft task force as required by Section 403.0302, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: September 1, 2023.