By:  Turner, Raney (Senate Sponsor - Whitmire) H.B. No. 1826

(In the Senate - Received from the House May 1, 2023; May 2, 2023, read first time and referred to Committee on Criminal Justice; May 11, 2023, reported favorably by the following vote: Yeas 6, Nays 0; May 11, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt               X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an organized retail theft task force.

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

SECTION 1.  Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0302 to read as follows:

Sec. 403.0302.  ORGANIZED RETAIL THEFT TASK FORCE. (a) In this section, "organized retail theft" means conduct constituting an offense under Section 31.16, Penal Code.

(b)  The comptroller shall appoint a task force to study and make recommendations related to preventing organized retail theft in this state.

(c)  The task force must 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)  The comptroller shall designate a member of the task force as the presiding officer.

(e)  The task force shall meet at least quarterly at the call of the presiding officer. A task force meeting may be conducted virtually through the Internet.

(f)  The task force shall conduct an ongoing study of organized retail theft in this state. In conducting the study the task force shall:

(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)  In conducting the study under Subsection (f), the members of the task force may:

(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.

(h)  Not later than December 1 of each even-numbered year, the task force shall 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.

(i)  The report submitted under Subsection (h):

(1)  must 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)  may be submitted electronically.

(j)  Chapter 2110 does not apply to the duration of the task force or to the designation of the task force's presiding officer.

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

SECTION 3.  This Act takes effect September 1, 2023.

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