CIVIL PRACTICE AND REMEDIES CODE

TITLE 6. MISCELLANEOUS PROVISIONS

CHAPTER 124. PRIVILEGE TO INVESTIGATE THEFT

Sec. 124.001. SUSPECTED THEFT OF PROPERTY OR ATTEMPTED THEFT OF PROPERTY. (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 the suspected offense to a law enforcement agency if the person does not successfully complete the program; and

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

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

(B) the terms of each offer made; and

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

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

(e) Nothing in this section precludes a peace officer, district attorney, criminal district attorney, county attorney, or

judge from offering a person a theft education program under Section 124.002 in compliance with this chapter.

Acts 1985, 69th Leg., ch. 959, Sec. 1, eff. Sept. 1, 1985.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 707 (H.B. 2129), Sec. 2, eff. September 1, 2023.

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

(1) address the type of alleged criminal offense;

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

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

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

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

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

(2) the person's ability to pay.

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

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

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

(3) may not compensate a merchant who offers a person the opportunity to complete the program.

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

(e) Notwithstanding any other law, a person who successfully completes a theft education program under this section may not be subject to any additional civil penalties under any other

provision of law.

Added by Acts 2023, 88th Leg., R.S., Ch. 707 (H.B. 2129), Sec. 3, eff. September 1, 2023.

Sec. 124.003. IMMUNITY FROM CRIMINAL AND CIVIL LIABILITY. A person who offers or provides a theft education program in compliance with this chapter is not criminally or civilly liable for failure to notify a law enforcement agency of the suspected theft or attempted theft.

Added by Acts 2023, 88th Leg., R.S., Ch. 707 (H.B. 2129), Sec. 3, eff. September 1, 2023.