

CHAPTER 660

S.B. No. 269

AN ACT

adopting the Texas Theft Liability Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The Texas Theft Liability Act is enacted to read as follows:

Sec. 1. SHORT TITLE. This Act may be cited as the Texas Theft Liability Act.

Sec. 2. DEFINITIONS. In this Act:

(1) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(2) "Theft" means unlawfully appropriating property or unlawfully obtaining services as set out in Section 31.03, 31.04, 31.05, 31.06, 31.07, or 31.11 of Chapter 31 of the Penal Code.

Sec. 3. A person who commits theft shall be liable for the damages resulting from such theft.

Sec. 4. A parent or other person who has the duty of control and reasonable discipline of a child is liable for theft committed by the child.

Sec. 5. A suit under this Act may be brought in the county where the theft occurred or in the county where the defendant resides.

Sec. 6. (a) In a suit filed under this Act, a person who has sustained damages resulting from theft may recover:

(1) under Section 3 of this Act, from a person who commits theft, the amount of actual damages found by the trier of fact. In addition to actual damages, the trier of fact may award damages in a sum not to exceed \$1,000; or

(2) from a parent or other person who has the duty of control and reasonable discipline of a child, for an action brought under Section 4 of this Act, the amount of actual damages found by the trier of fact, not to exceed \$5,000.

(b) Each person who prevails in a suit under this Act shall be awarded court costs and reasonable and necessary attorneys' fees.

SECTION 2. This Act creates liability for damages resulting from theft occurring on or after the effective date of this Act. For purposes of this Act, a theft occurs on or after the effective date if any element of the offense occurs on or after that date. An offense committed before the effective date of this Act is covered by applicable law as it existed on the date the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 7, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 29, 1987, by a non-record vote.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.