

House Bill 842

By: Representatives Mathiak of the 73rd, Powell of the 32nd, Werkheiser of the 157th, Rakestraw of the 19th, Jackson of the 64th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 7 of Title 51 of the Official Code of Georgia Annotated,
2 relating to detention or arrest on suspicion of shoplifting or film piracy, so as to provide that
3 merchants can offer persons suspected of theft an opportunity to complete a theft education
4 program in lieu of prosecution; to provide for theft education programs; to provide for the
5 contents and administration of such programs; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 7 of Title 51 of the Official Code of Georgia Annotated, relating to
10 detention or arrest on suspicion of shoplifting or film piracy, is amended by adding a new
11 Code section to read as follows:

12 "51-7-63.

13 (a) A person who is in the business of selling goods or services as a merchant is not
14 precluded from offering a person who is suspected of stealing or attempting to steal
15 property from the merchant an opportunity to complete a theft education program under
16 this Code section to deter theft and address criminal behavior instead of reporting the
17 suspected offense to a law enforcement agency.

18 (b) A merchant who offers a person an opportunity to complete a theft education program
19 shall, in writing:

20 (1) Notify the person of that opportunity; and

21 (2) Inform the person of the civil and criminal remedies available to the merchant and
22 the state, including informing the person that the merchant retains the right to report the
23 suspected offense to a law enforcement agency if the person does not successfully
24 complete the program.

25 (c) A theft education program for a person who is suspected of stealing or attempting to
26 steal property under subsection (a) shall:

- 27 (1) Address the type of alleged criminal offense;
28 (2) Seek to modify the person's behavioral decision-making process;
29 (3) Engage the person with interactive exercises designed to instill appropriate societal
30 behavior; and
31 (4) Promote accountability and reconciliation between the person and the merchant.
32 (d) A provider of a theft education program may not discriminate against a person who is
33 otherwise eligible to participate in the program based on:
34 (1) The person's race, color, religion, sex, familial status, or national origin; or
35 (2) The person's ability to pay.
36 (e) A program provider that charges a fee for participation in a theft education program:
37 (1) Shall develop a plan to offer discounts, alternative payment schedules, or scholarship
38 funds to a person who the provider has verified is indigent; and
39 (2) May reduce or waive the fee for the program based on the ability to pay of such
40 person."

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.