

(2) the pro rata share of any district indebtedness existing on the date on which a person becomes ineligible to vote under this subchapter; and

(3) taxes imposed during any year in which the person is eligible to vote under this subchapter.

SECTION 2. This Act takes effect September 1, 2001.

Passed the Senate on March 22, 2001: Yeas 30, Nays 0, one present, not voting; passed the House on April 27, 2001, by a non-record vote.

Approved May 11, 2001.

Effective September 1, 2001.

CHAPTER 108

S.B. No. 945

AN ACT

relating to the publication of certain brochures for the federal special supplemental food program for women, infants, and children.

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

SECTION 1. Subsection (f), Section 2113.107, Government Code, is amended to read as follows:

(f) Subsection (e) does not apply to the publication of a brochure regarding approved foods under the federal special supplemental food program for women, infants, and children administered by the Texas Department of Health, a publication designed to promote tourism or economic development, a publication of the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired, or a publication of an institution of higher education.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on March 29, 2001: Yeas 30, Nays 0, one present, not voting; passed the House on April 27, 2001: Yeas 143, Nays 0, two present, not voting.

Approved May 11, 2001.

Effective May 11, 2001.

CHAPTER 109

S.B. No. 966

AN ACT

relating to preventing the consequences of theft, including retail theft; providing penalties.

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

SECTION 1. Chapter 31, Penal Code, is amended by adding Section 31.15 to read as follows:

Sec. 31.15. POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CERTAIN INSTRUMENTS USED TO COMMIT RETAIL THEFT. (a) In this section:

(1) "Retail theft detector" means an electrical, mechanical, electronic, or magnetic device used to prevent or detect shoplifting and includes any article or component part essential to the proper operation of the device.

(2) "Shielding or deactivation instrument" means any item or tool designed, made, or adapted for the purpose of preventing the detection of stolen merchandise by a retail theft detector. The term includes a metal-lined or foil-lined shopping bag and any item used to remove a security tag affixed to retail merchandise.

(b) A person commits an offense if, with the intent to use the instrument to commit theft, the person:

(1) possesses a shielding or deactivation instrument; or

(2) knowingly manufactures, sells, offers for sale, or otherwise distributes a shielding or deactivation instrument.

(c) An offense under this section is a Class A misdemeanor.

SECTION 2. Article 18.16, Code of Criminal Procedure, is amended to read as follows:

Art. 18.16. PREVENTING CONSEQUENCES OF THEFT. *Any person has* ~~[All persons have]~~ a right to prevent the consequences of theft by seizing any personal property *that* ~~[which]~~ has been stolen and bringing it, with the *person suspected of committing the theft* ~~[supposed offender]~~, if *that person* ~~[he]~~ can be taken, before a magistrate for examination, or delivering the *property and the person suspected of committing the theft* ~~[same]~~ to a peace officer for that purpose. To justify a ~~[such]~~ seizure *under this article*, there must ~~[, however,]~~ be reasonable ground to *believe* ~~[suppose]~~ the property is ~~[to be]~~ stolen; and the seizure must be openly made and the proceedings had without delay.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2001.

Passed the Senate on March 22, 2001, by a viva-voce vote; passed the House on April 27, 2001, by a non-record vote.

Approved May 11, 2001.

Effective September 1, 2001.

CHAPTER 110

S.B. No. 969

AN ACT

relating to the Deaf Smith County Hospital District.

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

SECTION 1. Subsection (b), Section 4, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

(b) The directors serve staggered *three-year* ~~[two-year]~~ terms. An election for the appropriate number of directors shall be held on the first Saturday in May of each year. Any person desiring his name to be printed on the ballot as a candidate for director shall file a petition signed by not less than 25 qualified voters, asking that such name be printed on the ballot, with the secretary of the board of directors of the district. Such petition shall be filed with the secretary at least 30 days prior to the date of election. Notice of such election shall be published one time in a