

BILL ANALYSIS

C.S.H.B. 3502
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On November 21, 2006, the Caverns of Sonora's trademark formation was vandalized. It was a national treasure and there were many concerned citizens throughout the United States. It has become very evident that cave protection acts need to be modified to increase the penalty for vandalism of cave formations. This is necessary so that extreme acts of vandalism are addressed, rather than relying on proof of value, under the general criminal mischief laws.

The purpose of this Act is to enhance the protection and preservation of irreplaceable formations in caves and to increase the deterrent effect of penalties for violations of Chapter 201 of the Natural Resources Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3502 amends Sections 201.011, 201.014, 201.041, and Section 201.042(b) of the Natural Resources Code. Section 201.011 requires a person to possess a valid permit to excavate, remove, destroy, injure, alter or deface part of a cave owned by the State of Texas. C.S.H.B. 3502 increases the penalty for violation Section 201.001 to a Class A misdemeanor and, if the individual has been previously convicted of violating Section 201.011, the individual is guilty of a state jail felony and deletes subsection (b) of Section 201.014, which states that a person violating Section 201.012 if the code is guilty of a Class C misdemeanor and the person's permit shall be revoked. In Section 201.041 the word "willfully" is deleted and, if the person violates Section 201.041 of the code, the Class A misdemeanor penalty for violation is replaced with a state jail felony. It amends Section 201.042 (b) by increasing the penalty for violation of the Section to a Class A misdemeanor and if the individual has been previously convicted of violating Section 201.042, the individual is guilty of a state jail felony. C.S.H.B. also makes certain sections gender neutral. The changes made by this bill only apply to an offense committed on or after the effective date. An offense committed prior to the effective date is subject to the law in effect at that time.

EFFECTIVE DATE

This act takes effect on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B 3502 deletes the Purpose clause in Section 1 to amend Section 201.011, 201.014, and 201.041 of the Natural Resources Code, deletes Amendment clause in Section 2 and adjusts Section 2 to amend Section 201.042(b) of the Natural Resources Code. C.S.H.B 3502 is a Legislative Council draft.