

BILL ANALYSIS

S.B. 1524
By: Wentworth
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, if a person alters or excavates a cave without a permit, the person is subject to a Class B misdemeanor charge. A person who participates in vandalism of a cave is subject to a Class A misdemeanor. It is important to strive for the enhancement, protection, and preservation of natural formations in caves by strengthening penalties for violation of the law.

As proposed, S.B. 1524 strengthens the penalty for defacing or in any way vandalizing caves in the state. S.B. 1524 provides that a person who excavates, removes, destroys, injures, alters in any significant way, or defaces any part of a cave owned by the state without a permit, commits a Class A misdemeanor, except in the case when the person was convicted of a previous violation, in which case the person is guilty of committing a state jail felony. S.B. 1524 also provides that a person who knowingly vandalizes a cave by breaking, cracking, carving, or harming the surface may be charged with a state jail felony.

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

SECTION 1. PURPOSE. Provides that the purpose of the 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 (Cavern Protection), Natural Resources Code.

SECTION 2. AMENDMENT. Amends Sections 201.011, 201.014, and 201.041, Natural Resources Code, as follows:

Sec. 201.011. **PERMIT REQUIRED.** Makes a nonsubstantive change.

Sec. 201.014. **PENALTIES.** Provides that a person who violates Section 201.011 is guilty of a Class A, rather than Class B, misdemeanor, unless the person has previously been convicted of violating Section 201.011, in which case the person is guilty of a state jail felony. Deletes existing text relating to revoking a permit of a person who violates Section 201.012 (Issuance of Permit).

Sec. 201.041. **VANDALISM.**

Section 201.041 (a) Natural Resources Code, to prohibit a person, without express, prior, written permission of the owner from knowingly defacing, marring, or harming in any manner the natural condition of any cave. Deletes existing text prohibiting a person from disturbing or altering the surfaces of any cave, any natural material in a cave, or the natural condition of any cave. Deletes existing text as it relates to a person who acts willfully.

(b) Provides that a violation under this subsection is a state jail felony, rather than a Class A misdemeanor. Also makes a conforming change.

SECTION 3. AMENDMENT. Amends Section 201.042(b), Natural Resources Code, as follows:

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(b) Provides that a person who violates this section is guilty of a Class A, rather than Class B, misdemeanor, unless the person has previously been convicted of violating this section, in which case the person is guilty of a state jail felony.

SECTION 4. SAVING PROVISION. Makes application of this Act prospective.

SECTION 5. EFFECTIVE DATE: September 1, 2007.

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