

By: Macias

H.B. No. 3452

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the protection and preservation of all caves in the
3 State of Texas increasing penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 201.011, Natural Resources Code, is
6 amended to read as follows:

7 Sec. 201.011. PERMIT REQUIRED. No person may excavate,
8 remove, destroy, injure, alter in any significant manner, or deface
9 any part of a cave owned by the State of Texas, unless he ~~[first~~
10 ~~obtains a]~~ possesses a valid permit under Section 201.012 of this
11 code.

12 SECTION 2. Section 201.014, Natural Resources Code, is
13 amended by amending Subsection (a) and removing Subsection (b) to
14 read as follows:

15 Sec. 201.014. PENALTIES. ~~[(a)]~~ A person who violates
16 Section 201.011 of this code is guilty of a Class A ~~[B]~~ misdemeanor,
17 unless he has previously been convicted of violating this section,
18 in which case he is guilty of a state jail felony.

19 ~~[(b) A person who violates Section 201.012 of this code is~~
20 ~~guilty of a Class C misdemeanor and the permit shall be revoked.]~~

21 SECTION 3. Section 201.041, Natural Resources Code, is
22 amended by amending Subsection (b) to read as follows:

23 (b) A person who violates a provision of this section is
24 guilty of a ~~[Class A misdemeanor]~~ state jail felony, unless he has

1 previously been convicted of violating this section, in which case
2 he is guilty of a felony of the third degree.

3 SECTION 4. Section 201.042, Natural Resources Code, is
4 amended by amending Subsection (b) to read as follows:

5 (b) A person who violates this section is guilty of a Class
6 ~~[B]~~ A misdemeanor, unless he has previously been convicted of
7 violating this section, in which case he is guilty of a state jail
8 felony.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.