

By: Hilderbran, Gattis, Macias

H.B. No. 3502

Substitute the following for H.B. No. 3502:

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C.S.H.B. No. 3502

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the protection and preservation of caves; providing  
3 penalties.

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

5 SECTION 1. Sections 201.011, 201.014, and 201.041, Natural  
6 Resources Code, are 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 the person  
10 possesses [~~he first obtains~~] a valid permit under Section 201.012  
11 [~~of this code~~].

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

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

19 Sec. 201.041. VANDALISM. (a) A person may not, without  
20 express, prior, written permission of the owner, [~~wilfully or~~]  
21 knowingly:

22 (1) break, break off, crack, carve upon, write, burn,  
23 or otherwise mark upon, remove, or in any manner destroy, disturb,  
24 deface, mar, or harm the surfaces of any cave or any natural

1 material in a cave, including speleothems;

2 (2) disturb or alter in any manner the natural  
3 condition of any cave; or

4 (3) break, force, tamper with, or otherwise disturb a  
5 lock, gate, door, or other obstruction designed to control or  
6 prevent access to any cave, even though entrance to the cave may not  
7 be gained.

8 (b) A person who violates a provision of this section is  
9 guilty of a state jail felony [~~Class A misdemeanor~~], unless the  
10 person [~~he~~] has previously been convicted of violating this  
11 section, in which case the person [~~he~~] is guilty of a felony of the  
12 third degree.

13 SECTION 2. Section 201.042(b), Natural Resources Code, is  
14 amended to read as follows:

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

19 SECTION 3. The changes in law made by this Act apply only to  
20 an offense committed on or after the effective date of this Act. An  
21 offense committed before the effective date of this Act is covered  
22 by the law in effect when the offense was committed, and the former  
23 law is continued in effect for that purpose. For purposes of this  
24 section, an offense was committed before the effective date of this  
25 Act if any element of the offense was committed before that date.

26 SECTION 4. This Act takes effect September 1, 2007.