

1-1 By: Hilderbran, et al. (Senate Sponsor - Wentworth) H.B. No. 3502
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the protection and preservation of caves; providing
1-9 penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 201.011, 201.014, and 201.041, Natural
1-12 Resources Code, are amended to read as follows:

1-13 Sec. 201.011. PERMIT REQUIRED. No person may excavate,
1-14 remove, destroy, injure, alter in any significant manner, or deface
1-15 any part of a cave owned by the State of Texas, unless the person
1-16 possesses [~~he first obtains~~] a valid permit under Section 201.012
1-17 [~~of this code~~].

1-18 Sec. 201.014. PENALTIES. [~~(a)~~] A person who violates
1-19 Section 201.011 [~~of this code~~] is guilty of a Class A [~~B~~]
1-20 misdemeanor, unless the person has previously been convicted of
1-21 violating that section, in which case the person is guilty of a
1-22 state jail felony.

1-23 [~~(b) A person who violates Section 201.012 of this code is~~
1-24 ~~guilty of a Class C misdemeanor and the permit shall be revoked.~~]

1-25 Sec. 201.041. VANDALISM. (a) A person may not, without
1-26 express, prior, written permission of the owner, [~~wilfully or~~]
1-27 knowingly:

1-28 (1) break, break off, crack, carve upon, write, burn,
1-29 or otherwise mark upon, remove, or in any manner destroy, disturb,
1-30 deface, mar, or harm the surfaces of any cave or any natural
1-31 material in a cave, including speleothems;

1-32 (2) disturb or alter in any manner the natural
1-33 condition of any cave; or

1-34 (3) break, force, tamper with, or otherwise disturb a
1-35 lock, gate, door, or other obstruction designed to control or
1-36 prevent access to any cave, even though entrance to the cave may not
1-37 be gained.

1-38 (b) A person who violates a provision of this section is
1-39 guilty of a state jail felony [~~Class A misdemeanor~~], unless the
1-40 person [~~he~~] has previously been convicted of violating this
1-41 section, in which case the person [~~he~~] is guilty of a felony of the
1-42 third degree.

1-43 SECTION 2. Section 201.042(b), Natural Resources Code, is
1-44 amended to read as follows:

1-45 (b) A person who violates this section is guilty of a Class A
1-46 [~~B~~] misdemeanor, unless the person has previously been convicted of
1-47 violating this section, in which case the person is guilty of a
1-48 state jail felony.

1-49 SECTION 3. The changes in law made by this Act apply only to
1-50 an offense committed on or after the effective date of this Act. An
1-51 offense committed before the effective date of this Act is covered
1-52 by the law in effect when the offense was committed, and the former
1-53 law is continued in effect for that purpose. For purposes of this
1-54 section, an offense was committed before the effective date of this
1-55 Act if any element of the offense was committed before that date.

1-56 SECTION 4. This Act takes effect September 1, 2007.

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