

By: Wentworth

S.B. No. 1524

A BILL TO BE ENTITLED

AN ACT

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

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

5 SECTION 1. PURPOSE. The purpose of this Act is to enhance  
6 the protection and preservation of irreplaceable formations in  
7 caves and to increase the deterrent effect of penalties for  
8 violations of Chapter 201, Natural Resources Code.

9 SECTION 2. AMENDMENT. Sections 201.011, 201.014, and  
10 201.041, Natural Resources Code, are amended to read as follows:

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

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

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

23 Sec. 201.041. VANDALISM. (a) A person may not, without  
24 express, prior, written permission of the owner, [~~wilfully or~~]

1 knowingly:

2 (1) break, break off, crack, carve upon, write, burn,  
3 or otherwise mark upon, remove, or in any manner destroy,  
4 [~~disturb,~~] deface, mar, or harm the surfaces of any cave or any  
5 natural material in a cave, including speleothems;

6 (2) deface, mar, or harm [~~disturb or alter~~] in any  
7 manner the natural condition of any cave; or

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

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

17 SECTION 3. AMENDMENT. Subsection (b), Section 201.042,  
18 Natural Resources Code, is amended to read as follows:

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

23 SECTION 4. SAVING PROVISION. (a) The change in law made by  
24 this Act applies only to an offense committed on or after the  
25 effective date of this Act. For purposes of this section, an  
26 offense is committed before the effective date of this Act if any  
27 element of the offense occurs before that date.

1           (b) An offense committed before the effective date of this  
2 Act is covered by the law in effect when the offense was committed,  
3 and the former law is continued in effect for that purpose.

4           SECTION 5. EFFECTIVE DATE. This Act takes effect September  
5 1, 2007.