

By: Wentworth

S.B. No. 1524

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. PURPOSE. The purpose of this 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, Natural Resources Code.

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

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

Sec. 201.014. PENALTIES. ~~[(a)]~~ A person who violates Section 201.011 ~~[of this code]~~ is guilty of a Class A ~~[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.

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

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

1 knowingly:

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

6 (2) disturb or alter in any manner the natural
7 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.