

1-1 By: Wentworth S.B. No. 1524
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 26, 2007, reported favorably, as amended, by the following
1-5 vote: Yeas 9, Nays 0; April 26, 2007, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Estes, Jackson

1-7 Amend S.B. 1524 as follows:

1-8 (1) In SECTION 2 of the bill, in Subdivision (1), Subsection
1-9 (a), Section 201.041 (page 1, line 41), strike "disturb," and
1-10 substitute "~~disturb,~~".

1-11 (2) In SECTION 2 of the bill, in Subdivision (2), Subsection
1-12 (a), Section 201.041 (page 1, line 44), strike "disturb or alter"
1-13 and substitute "deface, mar, or harm ~~[disturb or alter]~~".

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the protection and preservation of caves in the State of
1-17 Texas; providing penalties.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. PURPOSE. The purpose of this Act is to enhance
1-20 the protection and preservation of irreplaceable formations in
1-21 caves and to increase the deterrent effect of penalties for
1-22 violations of Chapter 201, Natural Resources Code.

1-23 SECTION 2. AMENDMENT. Sections 201.011, 201.014, and
1-24 201.041, Natural Resources Code, are amended to read as follows:

1-25 Sec. 201.011. PERMIT REQUIRED. No person may excavate,
1-26 remove, destroy, injure, alter in any significant manner, or deface
1-27 any part of a cave owned by the State of Texas, unless the person
1-28 possesses a valid ~~[he first obtains a]~~ permit under Section 201.012
1-29 ~~[of this code]~~.

1-30 Sec. 201.014. PENALTIES. ~~[(a)]~~ A person who violates
1-31 Section 201.011 ~~[of this code]~~ is guilty of a Class A ~~[B]~~
1-32 misdemeanor, unless the person has previously been convicted of
1-33 violating Section 201.011, in which case the person is guilty of a
1-34 state jail felony.

1-35 ~~[(b) A person who violates Section 201.012 of this code is~~
1-36 ~~guilty of a Class C misdemeanor and the permit shall be revoked.]~~

1-37 Sec. 201.041. VANDALISM. (a) A person may not, without
1-38 express, prior, written permission of the owner, ~~[wilfully or]~~
1-39 knowingly:

1-40 (1) break, break off, crack, carve upon, write, burn,
1-41 or otherwise mark upon, remove, or in any manner destroy, disturb,
1-42 deface, mar, or harm the surfaces of any cave or any natural
1-43 material in a cave, including speleothems;

1-44 (2) disturb or alter in any manner the natural
1-45 condition of any cave; or

1-46 (3) break, force, tamper with, or otherwise disturb a
1-47 lock, gate, door, or other obstruction designed to control or
1-48 prevent access to any cave, even though entrance to the cave may not
1-49 be gained.

1-50 (b) A person who violates a provision of this section is
1-51 guilty of a state jail felony ~~[Class A misdemeanor]~~, unless the
1-52 person ~~[he]~~ has previously been convicted of violating this
1-53 section, in which case the person ~~[he]~~ is guilty of a felony of the
1-54 third degree.

1-55 SECTION 3. AMENDMENT. Subsection (b), Section 201.042,
1-56 Natural Resources Code, is amended to read as follows:

1-57 (b) A person who violates this section is guilty of a Class A
1-58 ~~[B]~~ misdemeanor, unless the person has previously been convicted of
1-59 violating this section, in which case the person is guilty of a
1-60 state jail felony.

1-61 SECTION 4. SAVING PROVISION. (a) The change in law made by
1-62 this Act applies only to an offense committed on or after the

2-1 effective date of this Act. For purposes of this section, an
2-2 offense is committed before the effective date of this Act if any
2-3 element of the offense occurs before that date.

2-4 (b) An offense committed before the effective date of this
2-5 Act is covered by the law in effect when the offense was committed,
2-6 and the former law is continued in effect for that purpose.

2-7 SECTION 5. EFFECTIVE DATE. This Act takes effect September
2-8 1, 2007.

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