

By: White, Anderson of McLennan, et al.

H.B. No. 1359

Substitute the following for H.B. No. 1359:

By: Faircloth

C.S.H.B. No. 1359

A BILL TO BE ENTITLED

AN ACT

1
2 relating to monuments and memorials for Texas heroes and other
3 persons and events of historical significance; creating criminal
4 offenses.

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

6 SECTION 1. This Act may be cited as the Texas Hero
7 Protection Act.

8 SECTION 2. Section [2166.501](#), Government Code, is amended to
9 read as follows:

10 Sec. 2166.501. MONUMENTS AND MEMORIALS. (a) A monument or
11 memorial for [~~Texas~~] heroes of a war or military conflict of Texas
12 or of the United States, including [the Confederate States of
13 America or] the Texas War for Independence, or to commemorate
14 another event or person of historical significance to Texans and
15 this state, may be erected on land owned or acquired by the state,
16 including land owned or acquired by an institution of higher
17 education, as defined by Section [61.003](#), Education Code, or, if a
18 suitable contract can be made for permanent preservation of the
19 monument or memorial, on private property or land owned by the
20 federal government, another state of the United States, or a
21 foreign country [or other states].

22 (b) The graves of Texas heroes [~~Texans~~] described by
23 Subsection (a) may be located and marked.

24 (c) The Texas Historical Commission [~~commission~~] shall

1 maintain a monument or memorial erected by this state to
2 commemorate the Texas War for Independence and shall maintain all
3 other monuments described by Subsection (a) that are erected on
4 land described by that subsection [~~centenary of Texas'~~
5 ~~independence~~].

6 (d) Before the erection of a new monument or memorial, the
7 Texas Historical Commission [~~commission~~] must approve [~~obtain the~~
8 ~~approval of the Texas Historical Commission regarding~~] the form,
9 dimensions, and substance of, and inscriptions or illustrations on,
10 the monument or memorial.

11 SECTION 3. Sections 2166.5011(a) and (c), Government Code,
12 are amended to read as follows:

13 (a) In this section, "monument or memorial" means a
14 permanent monument, memorial, or other item officially designated
15 as an item of historical significance by a governmental entity
16 [~~designation~~], including a statue, portrait, plaque, seal, symbol,
17 tablet, building name, place name, or street name, that:

18 (1) is located on state property or other property
19 described by Section 2166.501(a); and

20 (2) honors a hero or event [~~citizen~~] of this state
21 described by Section 2166.501(a) for military, [~~or~~] war-related, or
22 other historical service or significance.

23 (c) A monument or memorial may be removed, relocated, or
24 altered in a manner otherwise provided by this code as necessary to
25 accommodate construction, repair, or improvements to the monument
26 or memorial or to the surrounding [~~state~~] property on which the
27 monument or memorial is located and as authorized by the Texas

1 Historical Commission. Any monument or memorial that is
2 permanently removed under this subsection must be relocated to an
3 equally [a] prominent location that is approved by the legislature,
4 the Texas Historical Commission, or the State Preservation Board or
5 approved as otherwise provided by state or federal law.

6 SECTION 4. Subchapter K, Chapter 2166, Government Code, is
7 amended by adding Section 2166.5012 to read as follows:

8 Sec. 2166.5012. CRIMINAL OFFENSE. (a) A person commits an
9 offense if the person intentionally removes, relocates, or alters a
10 monument or memorial in a manner that violates Section 2166.5011(b)
11 or (c).

12 (b) An offense under Subsection (a) is punishable by:

13 (1) a fine in an amount not less than \$50 and not more
14 than \$1,000; and

15 (2) confinement in jail for a term of not less than
16 three days and not more than one year.

17 SECTION 5. Subtitle B, Title 10, Local Government Code, is
18 amended by adding Chapter 328 to read as follows:

19 CHAPTER 328. MONUMENTS AND MEMORIALS

20 Sec. 328.001. DEFINITION. In this chapter, "monument or
21 memorial" means a permanent monument, memorial, or other item
22 officially designated as an item of historical significance by a
23 governmental entity, including a statue, portrait, plaque, seal,
24 symbol, tablet, building name, place name, or street name, located
25 on county property and that:

26 (1) honors a citizen of this state for military or
27 war-related service;

1 (2) honors heroes of a war or conflict of Texas or of
2 the United States, including the Texas War for Independence; or

3 (3) commemorates another event or person of historical
4 significance to this state.

5 Sec. 328.002. ESTABLISHMENT OF MONUMENT OR MEMORIAL. (a) A
6 monument or memorial may be erected on land owned or acquired by a
7 county of this state.

8 (b) Before the production of a new monument or memorial, the
9 Texas Historical Commission must approve the form, dimensions, and
10 substance of, and inscriptions or illustrations on, the monument or
11 memorial.

12 Sec. 328.003. REMOVAL, RELOCATION, OR ALTERATION OF
13 MONUMENT OR MEMORIAL. (a) Notwithstanding any other law, a
14 monument or memorial may be removed, relocated, or altered only by:

15 (1) the Texas Historical Commission;

16 (2) the State Preservation Board; or

17 (3) another person as provided by Subsection (b).

18 (b) A monument or memorial may be removed, relocated, or
19 altered in a manner otherwise provided by law as necessary to
20 accommodate construction, repair, or improvements to the monument
21 or memorial or to the surrounding county property on which the
22 monument or memorial is located. Any monument or memorial that is
23 permanently removed under this subsection must be relocated to a
24 prominent location that is approved by the Texas Historical
25 Commission or the State Preservation Board or as otherwise provided
26 by law.

27 Sec. 328.004. CRIMINAL OFFENSE. (a) A person commits an

1 offense if the person intentionally removes, relocates, or alters a
2 monument or memorial in a manner that violates Section 328.003.

3 (b) An offense under Subsection (a) is punishable by:

4 (1) a fine in an amount not less than \$50 and not more
5 than \$1,000; and

6 (2) confinement in jail for a term of not less than
7 three days and not more than one year.

8 SECTION 6. On the effective date of this Act, the duties
9 imposed on the Texas Facilities Commission under Section 2166.501,
10 Government Code, as it existed immediately before the effective
11 date of this Act, are transferred to the Texas Historical
12 Commission.

13 SECTION 7. This Act takes effect September 1, 2017.