

By: White

H.B. No. 583

A BILL TO BE ENTITLED

AN ACT

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

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

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

SECTION 2. Section 2166.501, Government Code, is amended to read as follows:

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

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

(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 all other monuments  
3 described by Subsection (a) that are erected on land described by  
4 that subsection [~~centenary of Texas' independence~~].

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

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

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

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

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

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

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

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

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

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

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

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

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

18 CHAPTER 328. MONUMENTS AND MEMORIALS

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

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

27 (2) honors heroes of a war or military conflict of

Texas or of the United States, including the Texas War for  
Independence; or

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

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

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

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

(1) the Texas Historical Commission;

(2) the State Preservation Board; or

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

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

1       Sec. 328.004. CRIMINAL OFFENSE. (a) A person commits an  
2 offense if the person intentionally removes, relocates, or alters a  
3 monument or memorial in a manner that violates Section 328.003.

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

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

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

9       SECTION 6. Section [2166.502](#), Government Code, is repealed.

10       SECTION 7. On the effective date of this Act, the duties  
11 imposed on the Texas Facilities Commission under Section [2166.501](#),  
12 Government Code, as that section existed immediately before the  
13 effective date of this Act, are transferred to the Texas Historical  
14 Commission.

15       SECTION 8. This Act takes effect September 1, 2019.