

## BILL ANALYSIS

Senate Research Center  
80R11053 EJI-F

H.B. 3502  
By: Hilderbran et al. (Wentworth)  
Natural Resources  
5/18/2007  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a person who alters or excavates a cave without a permit is subjected to a Class B misdemeanor charge. If the person vandalizes the cave, the punishment for that person is a Class A misdemeanor.

H.B. 3502 would strengthen the penalty for defacing or in any way vandalizing caves in Texas. The bill would make a violation where any part of the cave was excavated, removed, destroyed, injured, or altered without a proper permit a Class A misdemeanor. Additionally, the bill provides that a person who has been convicted of a previous violation of destroying or altering a cave is guilty of a state jail felony.

For knowingly vandalizing a cave by breaking, cracking, carving upon, or harming the surface, under the bill's provisions a violator would face a state jail felony charge. The bill also provides, if a person previously violated the law, that person would face a third degree felony charge.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 201.011, 201.014, and 201.041, Natural Resources Code, as follows:

Sec. 201.011. PERMIT REQUIRED. Authorizes no person to 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 permit under Section 201.012 (Issuance of Permit), rather than unless he first obtains a valid permit under Section 201.012.

Sec. 201.014. PENALTIES. Provides that a person who violates Section 201.011 is guilty of a Class A misdemeanor, rather than a person who violates Section 201.011 of this code is guilty of a Class B misdemeanor, unless the person has previously been convicted of violating that section, in which case the person is guilty of a state jail felony. Deletes Subsection (b) relating to a person who violates Section 201.012 and the penalty for such violation.

Sec. 201.041. VANDALISM. (a) Prohibits a person, without express, prior, written permission of the owner, from knowingly, rather than wilfully or knowingly, causing certain damage to certain types of caves.

(b) Provides that a person who violates a provision of this section is guilty of a state jail felony, rather than Class A misdemeanor, unless the person has previously been convicted of violating this section, in which case the person is guilty of a felony of the third degree. Makes nonsubstantive changes.

SECTION 2. Amends Section 201.042(b), Natural Resources Code, to provide that a person who violates this section is guilty of a Class A, rather than Class B, misdemeanor, unless the

person has previously been convicted of violating this section, in which case the person is guilty of a state jail felony.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.