

E N G R O S S E D  
COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 353**

(By Senators Williams, Beach, D. Hall, Miller, Sypolt, Stollings,  
Tucker and Plymale)

---

[Originating in the Committee on the Judiciary;  
reported January 31, 2014.]

---

A BILL to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new section, designated §19-1A-3b,  
relating to creating the offense of timber theft from state  
forests; providing the Division of Forestry authority to  
investigate and enforce timber theft violations in state  
forests; directing the Division of Forestry to create and  
maintain a central registry of information relating to timber  
theft from state forests; clarifying that treble damages are

applicable to state forest timber thefts; and setting forth criminal and civil penalties.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-1A-3b, to read as follows:

**ARTICLE 1A. DIVISION OF FORESTRY.**

**§19-1A-3b. Timber theft on state forests; investigations; criminal and civil penalties.**

1           (a) Timber theft is the misappropriation or taking of  
2 timber belonging to another, or proceeds derived from the  
3 sale of timber, either taken without the consent of the owner,  
4 or by means of fraudulent conduct, practices or  
5 representations, with the intent to deprive the owner  
6 permanently of the timber or proceeds derived therefrom.

7           (b) The Division of Forestry has the primary  
8 responsibility for the collection, preparation and central  
9 registry of information relating to timber theft in state forests.  
10 The division has the authority to investigate and enforce the

3

[Eng. Com. Sub. for Com. Sub. for S. B. No. 353

11 provisions of this section when violations occur in state  
12 forests. The division may assist law-enforcement agencies in  
13 investigations of violations of the provisions of subsection  
14 (b), section forty-eight, article three, chapter sixty-one of this  
15 code when requested.

16 (c) *Criminal and civil penalties.* – A person who  
17 commits timber theft in a state forest where the timber taken  
18 is of a value of \$25,000 or less is guilty of a misdemeanor  
19 and shall be fined not more than \$5,000 or confined in jail for  
20 not more than one year, or both. A person who commits  
21 timber theft in a state forest where the timber taken is of a  
22 value of \$25,000 or more is guilty of a felony and shall be  
23 fined not more than \$10,000 or imprisoned in a state  
24 correctional facility for not more than five years, or both. In  
25 addition to any fines and costs that may be assessed by the  
26 court, a person convicted of a violation of this section shall  
27 be ordered to pay a \$500 civil penalty to the division within  
28 sixty days of the entry of a final order of conviction. The civil  
29 penalty shall be collected by the court in which the person is

30 convicted and forwarded to the State Treasurer for deposit in  
31 the Division of Forestry Fund (3081) for use in administering  
32 the provisions of this section.