

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 353

(SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT,
STOLLINGS, TUCKER AND PLYMALE, *ORIGINAL SPONSORS*)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT,
STOLLINGS, TUCKER AND PLYMALE, *original sponsors*)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT 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 for research and investigative purposes; directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; 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
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 commits
17 timber theft in a state forest where the timber taken is of a
18 value of \$25,000 or less is guilty of a misdemeanor and shall
19 be fined not more than \$5,000 or confined in jail for not more
20 than one year, or both. A person who commits timber theft in
21 a state forest where the timber taken is of a value of \$25,000
22 or more is guilty of a felony and shall be fined not more than
23 \$10,000 or imprisoned in a state correctional facility for not
24 more than five years, or both. In addition to any fines and
25 costs that may be assessed by the court, a person convicted of
26 a violation of this section shall be ordered to pay a \$500 civil
27 penalty to the division within sixty days of the entry of a final
28 order of conviction. The civil penalty shall be collected by
29 the court in which the person is convicted and forwarded to

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor