

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 353**

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

6 _____
7 [Originating in the Committee on Natural Resources;
8 reported January 30, 2014.]
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**Interim
Bill**

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11
12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new section, designated §19-1A-3b, relating
14 to timber theft in state forests; providing the Division of
15 Forestry authority to investigate and enforce timber theft
16 violations in state forests; and setting forth criminal and
17 civil penalties.

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

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

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

23 **§19-1A-3b. Timber theft in state forests; investigations;**
24 **criminal and civil penalties.**

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

7 (b) The Division of Forestry has the primary responsibility
8 for the collection, preparation, and central registry of
9 information relating to timber theft in state forests. The
10 division has the authority to investigate and enforce the
11 provisions of this section when violations occur in state forests.
12 The division may assist other law-enforcement agencies in timber
13 theft investigations.

14 (c) *Criminal and civil penalties.* --

15 (1) A person that commits timber theft in state forests of a
16 value of \$25,000 or less is guilty of a misdemeanor and shall be
17 fined not more than \$5,000, or imprisoned for no more than one
18 year, or both fined and imprisoned. A person that commits timber
19 theft in state forests managed by the division of a value of
20 \$25,000 or more is guilty of a felony and shall be fined not more
21 than \$10,000, or imprisoned for no more than five years, or both
22 fined and imprisoned. A person found guilty of the crime of timber
23 theft is also subject to the restitution provisions of section
24 forty-eight-a, article three, chapter sixty-one of this code that

1 provide for treble damages.

2 (2) In addition to fines and costs, a person convicted of a
3 violation of this section shall pay a \$500 civil penalty to the
4 division within sixty days. The civil penalty shall be collected by
5 the court in which the person is convicted and forwarded to the
6 division and deposited in the Division of Forestry Fund (3081) to
7 be used to administer the provisions of this section.

NOTE: The purpose of this bill is to define timber theft, and to provide the Division of Forestry the authority to investigate and enforce violations occurring in state forests managed by the division.

This section is new; therefore, strike-throughs and underscoring have been omitted.

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the Forest Management Review Commission.