

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 353**

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

8 _____
9 [Originating in the Committee on the Judiciary;
10 reported January 31, 2014.]

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14 A BILL to amend the Code of West Virginia, 1931, as amended, by
15 adding thereto a new section, designated §19-1A-3b, relating
16 to creating the offense of timber theft from state forests;
17 providing the Division of Forestry authority to investigate
18 and enforce timber theft violations in state forests;
19 directing the Division of Forestry to create and maintain a
20 central registry of information relating to timber theft from
21 state forests; clarifying that treble damages are applicable
22 to state forest timber thefts; and setting forth criminal and
23 civil penalties.

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

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

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

5 **§19-1A-3b. Timber theft in state forests; investigations;**
6 **criminal and civil penalties.**

7 (a) Any person who willfully cuts timber within the confines
8 of a state forest without lawful authority to do so is guilty of
9 the offense of theft of state park timber.

10 (b) Any person violating the provisions of subsection (a) of
11 this section where value of the timber illegally cut is \$25,000 or
12 less is guilty of a misdemeanor and upon conviction thereof shall
13 be confined in jail for not more than one year, fined not more than
14 \$500 or both.

15 (c) Any person violating the provisions of subsection (a) of
16 this section where the value of the timber illegally cut is more
17 than \$25,000 shall be guilty of a felony and upon conviction
18 thereof shall be imprisoned in a state correctional facility for
19 not more than three years, fined not more than \$10,000 or both.

20 (d) The Division of Forestry shall have the primary
21 responsibility to enforce the provisions of this section and may
22 assist other law-enforcement agency investigations of timber theft
23 occurring outside state forests.

24 (e) Any person convicted of a violation of subsection (a) of

1 this section shall be subject to the provisions of section forty-
2 eight-a, article three, chapter sixty-one of this code.

3 (f) In addition to the fines and costs authorized by this
4 section, any person convicted of a violation of this section shall
5 pay a \$500 civil penalty to the Division of Forestry within sixty
6 days of the entry of a final order of conviction. The civil
7 penalty shall be collected by the court in which the person is
8 convicted and forwarded to the State Treasurer for deposit in the
9 Division of Forestry Fund (3081) and used to administer the
10 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.)