

**Senate Bill No. 353**

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

[Introduced January 15, 2014; referred to the Committee on  
Natural Resources; and then to the Committee on the Judiciary.]

**Interim  
Bill**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §19-1A-3b, relating  
to timber theft in state forests; authority of Division of  
Forestry to investigate and enforce violations occurring in  
state forests managed by the division; and adding 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 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 on state forests. The  
10 division has the authority to investigate and enforce the  
11 provisions of this section when violations occur on state forests.  
12 The division may assist law-enforcement agencies in investigations  
13 of violations of the provisions of subsection (b), section forty-  
14 eight, article three, chapter sixty-one of this code when  
15 requested.

16           (c) *Criminal and civil penalties.* -- A person that commits  
17 timber theft on state forests of a value of \$25,000 or less is  
18 guilty of a misdemeanor and shall be fined not more than \$5,000, or  
19 imprisoned for no more than one year, or both fined and imprisoned.  
20 A person that commits timber theft on state forests managed by the  
21 division of a value of \$25,000 or more is guilty of a felony and  
22 shall be fined not more than \$10,000, or imprisoned for no more  
23 than five years, or both fined and imprisoned. In addition to fines

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