

COMMITTEE SUBSTITUTE

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## **Senate Bill No. 353**

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

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

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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 in state forests; investigations;  
criminal and civil penalties.**

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

4 (b) Any person violating the provisions of subsection (a)  
5 of this section where value of the timber illegally cut is  
6 \$25,000 or less is guilty of a misdemeanor and upon  
7 conviction thereof shall be confined in jail for not more than  
8 one year, fined not more than \$500 or both.

9 (c) Any person violating the provisions of subsection (a)  
10 of this section where the value of the timber illegally cut is

11 more than \$25,000 shall be guilty of a felony and upon  
12 conviction thereof shall be imprisoned in a state correctional  
13 facility for not more than three years, fined not more than  
14 \$10,000 or both.

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

19 (e) Any person convicted of a violation of subsection (a)  
20 of this section shall be subject to the provisions of section  
21 forty-eight-a, article three, chapter sixty-one of this code.

22 (f) In addition to the fines and costs authorized by this  
23 section, any person convicted of a violation of this section  
24 shall pay a \$500 civil penalty to the Division of Forestry  
25 within sixty days of the entry of a final order of conviction.  
26 The civil penalty shall be collected by the court in which the  
27 person is convicted and forwarded to the State Treasurer for  
28 deposit in the Division of Forestry Fund (3081) and used to  
29 administer the provisions of this section.

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(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.)