

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 402

BY SENATORS SYPOLT, BEACH, STOLLINGS, HAMILTON,

BOSO, CLINE, BALDWIN, MARONEY, AND PREZIOSO

[Originating in the Committee on Natural Resources;

Reported on February 7, 2019]

1 A BILL to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the Division of Forestry to investigate and enforce timber theft violations on
3 all lands; and directing the penalties for timber theft to the criminal statute.

Be it enacted by the Legislature of West Virginia:

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 belonging to another, or
2 proceeds derived from the sale of timber, either taken without the consent of the owner, or by
3 means of fraudulent conduct, practices or representations, with the intent to deprive the owner
4 permanently of the timber or proceeds derived therefrom.

5 (b) The Division of Forestry has the primary responsibility for the collection, preparation,
6 and central registry of information relating to timber theft. ~~in-state forests~~ The division has the
7 authority to investigate and enforce the provisions of this section when violations ~~occur in state~~
8 ~~forests. The division may assist law enforcement agencies in investigations of violations of the~~
9 provisions of §61-3-52 of this code ~~when requested~~ occur.

10 ~~(c) Criminal and civil penalties. -- A person who commits timber theft in a state forest where~~
11 ~~the timber taken is of a value of \$25,000 or less is guilty of a misdemeanor and shall be fined not~~
12 ~~more than \$5,000 or confined in jail for not more than one year, or both. A person who commits~~
13 ~~timber theft in a state forest where the timber taken is of a value of \$25,000 or more is guilty of a~~
14 ~~felony and shall be fined not more than \$10,000 or imprisoned in a state correctional facility for~~
15 ~~not more than five years, or both. In addition to any fines and costs that may be assessed by the~~
16 ~~court, a person convicted of a violation of this section shall be ordered to pay a \$500 civil penalty~~
17 ~~to the division within 60 days of the entry of a final order of conviction. The civil penalty shall be~~
18 ~~collected by the court in which the person is convicted and forwarded to the State Treasurer for~~
19 ~~deposit in the Division of Forestry Fund (3081) for use in administering the provisions of this~~
20 ~~section.~~

NOTE: The purpose of this bill is to authorize the Division of Forestry to investigate and enforce timber theft violations on all lands.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.