

H. B. 4202

(By Delegates Hartman, Campbell, Overington,
Romine and Williams)

[Introduced January 16, 2014; referred to the
Committee on Agriculture and Natural Resources then the
Judiciary.]

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.**

(a) Timber theft is the misappropriation or taking of timber

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

6 (b) The Division of Forestry has the primary responsibility
7 for the collection, preparation, and central registry of
8 information relating to timber theft on state forests. The
9 division has the authority to investigate and enforce the
10 provisions of this section when violations occur on state forests.
11 The division may assist law-enforcement agencies in investigations
12 of violations of the provisions of subsection (b), section forty-
13 eight, article three, chapter sixty-one of this code when
14 requested.

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

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

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