

1 **H. B. 4202**

2  
3 (By Delegates Hartman, Campbell, Overington,  
4 Romine and Williams)

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

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9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §19-1A-3b, relating  
12 to timber theft in state forests; authority of Division of  
13 Forestry to investigate and enforce violations occurring in  
14 state forests managed by the division; and adding criminal and  
15 civil penalties.

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

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

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

21 **§19-1A-3b. Timber theft on state forests; investigations;**  
22 **criminal and civil penalties.**

23 **(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.