

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2717

FISCAL
NOTE

BY DELEGATE COOPER, WORRELL, MILLER, STORCH,
KELLY, D., MAYNARD, SWARTZMILLER, ATKINSON,
KESSINGER, CADLE AND HARSHBARGER

(BY REQUEST OF THE DIVISION OF FORESTRY)

[Introduced January 29, 2019; Referred
to the Committee on Agriculture and Natural
Resources then Government Organization.]

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.

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 §61-3-48(b) 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.