

SB 384

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 384

(By Senator BOWMAN, ET AL)



PASSED MARCH 9, 1996
In Effect NINETY DAYS FROM Passage

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OFFICE OF LEGISLATION
STATE HOUSE

ENROLLED

Senate Bill No. 384

(By SENATORS BOWMAN, PLYMALE, MACNAUGHTAN,
ROSS AND SCOTT)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty-two, relating to making it a felony to remove or injure timber valued at more than one thousand dollars; making it a misdemeanor to remove or injure timber valued at one thousand dollars or less; creating penalties; and creating exemptions.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty-two, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-52. Wrongful injuries to timber; criminal penalties.

1 (a) Any person who willfully and maliciously and with
2 intent to do harm unlawfully enters upon the lands of
3 another, cuts down, injures, removes or destroys any
4 timber valued at more than one thousand dollars,
5 without the permission of the owner or his or her repre-
6 sentative is guilty of a felony, and, upon conviction
7 thereof, shall be fined not more than three times the
8 value of timber injured, removed or destroyed or impris-
9 oned in a regional jail for thirty days, or both fined and
10 imprisoned.

11 (b) Any person who willfully and maliciously and with
12 intent to do harm unlawfully enters upon the lands of
13 another, cuts down, injures, removes or destroys any
14 timber valued at one thousand dollars or less, without
15 the permission of the owner or his or her representative
16 is guilty of a misdemeanor, and, upon conviction thereof,
17 shall be fined not more than one thousand dollars or
18 imprisoned in the county or regional jail for not more
19 than thirty days.

20 (c) The necessary trimming and removal of timber to
21 permit the construction, repair, maintenance, cleanup
22 and operations of pipelines and utility lines and appurte-
23 nances of public utilities, public service corporations and
24 to aid registered land surveyors and professional engi-
25 neers in the performance of their professional services,
26 and municipalities, and pipeline companies, or lawful
27 operators and product purchasers of natural resources
28 other than timber shall not be deemed a willful and
29 intentional cutting down, injuring, removing or destroy-
30 ing of timber.

31 (d) The necessary trimming and removal of timber for
32 boundary line maintenance, for the construction, main-
33 tenance and repair of streets, roads and highways or for
34 the control and regulation of traffic thereon by the state
35 and its political subdivisions or registered land surveyors
36 and professional engineers shall not be deemed a willful
37 and intentional cutting down, injuring, removing or
38 destroying of timber.

39 (e) No fine or imprisonment imposed pursuant to this
40 section shall be construed to limit any cause of action by
41 a landowner for recovery of damages otherwise allowed
42 by law.

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That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank Schoonover
.....
Chairman Senate Committee

Rudy Seacrest
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Arnold E. Soltes
.....
Clerk of the Senate

Raymond M. Long
.....
Clerk of the House of Delegates

Carl Ray Brubaker
.....
President of the Senate

Carl Albert
.....
Speaker House of Delegates

The within is approved this the 25th
day of March, 1996.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/96

Time

4:02 pm