

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 353**

7 (By Senators Williams, Beach, D. Hall, Miller, Sypolt, Stollings,
8 Tucker and Plymale)

9 _____
10 [Originating in the Committee on the Judiciary;
11 reported January 31, 2014.]

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15 A BILL to amend the Code of West Virginia, 1931, as amended, by
16 adding thereto a new section, designated §19-1A-3b, relating
17 to creating the offense of timber theft from state forests;
18 providing the Division of Forestry authority to investigate
19 and enforce timber theft violations in state forests for
20 research and investigative purposes; directing the Division of
21 Forestry to create and maintain a central registry of
22 information relating to timber theft from state forests;
23 clarifying that treble damages are applicable to state forest
24 timber thefts; and setting forth criminal and civil penalties.

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

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

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

7 **§19-1A-3b. Timber theft on state forests; investigations;
8 criminal and civil penalties.**

9 (a) Timber theft is the misappropriation or taking of timber
10 belonging to another, or proceeds derived from the sale of timber,
11 either taken without the consent of the owner, or by means of
12 fraudulent conduct, practices or representations, with the intent
13 to deprive the owner permanently of the timber or proceeds derived
14 therefrom.

15 (b) The Division of Forestry has the primary responsibility
16 for the collection, preparation and central registry of information
17 relating to timber theft in state forests. The division has the
18 authority to investigate and enforce the provisions of this section
19 when violations occur in state forests. The division may assist
20 law-enforcement agencies in investigations of violations of the
21 provisions of subsection (b), section forty-eight, article three,
22 chapter sixty-one of this code when requested.

23 (c) *Criminal and civil penalties.* -- A person who commits
24 timber theft in a state forest where the timber taken is of a value

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