

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 353**

7 (SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT, STOLLINGS, TUCKER AND
8 PLYMALE, *original sponsors*)

9 _____
10 [Passed March 8, 2014; in effect ninety days from passage.]
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14 AN ACT to amend the Code of West Virginia, 1931, as amended, by
15 adding thereto a new section, designated §19-1A-3b, relating
16 to creating the offense of timber theft from state forests;
17 providing the Division of Forestry authority to investigate
18 and enforce timber theft violations in state forests for
19 research and investigative purposes; directing the Division of
20 Forestry to create and maintain a central registry of
21 information relating to timber theft from state forests; and
22 setting forth criminal and civil penalties.

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

24 That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new section, designated §19-1A-3b, to read as
2 follows:

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

4 **§19-1A-3b. Timber theft on state forests; investigations;**
5 **criminal and civil penalties.**

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

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

20 (c) *Criminal and civil penalties.* -- A person who commits
21 timber theft in a state forest where the timber taken is of a value
22 of \$25,000 or less is guilty of a misdemeanor and shall be fined
23 not more than \$5,000 or confined in jail for not more than one
24 year, or both. A person who commits timber theft in a state forest

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