WEST VIRGINIA CODE: §61-3-52

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

(a) Any person who knowingly and intentionally cuts down, injures, removes, or destroys, without the permission of the owner or his or her agent, timber of a value of $2,500 or less is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $2,500 or confined in jail for not more than 30 days, or both fined and confined.

(b) Any person who knowingly and intentionally cuts down, injures, removes, or destroys, without the permission of the owner or his or her agent, timber of a value of $2,500 or more or who is convicted of a second or subsequent violation within 10 years of subsection (a) of this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than three times the value of the timber cut down, injured, removed, or destroyed, or imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(c) The necessary trimming and removal of timber to permit the construction, repair, maintenance, cleanup, and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, and to aid registered land surveyors and professional engineers in the performance of their professional services, and municipalities, and pipeline companies, or lawful operators and product purchasers of natural resources other than timber, shall not be considered a willful and intentional cutting down, injuring, removing, or destroying of timber.

(d) The necessary trimming and removal of timber for boundary line maintenance, for the construction, maintenance, and repair of streets, roads, and highways, or for the control and regulation of traffic thereon by the state and its political subdivisions or registered land surveyors and professional engineers, shall not be considered a willful and intentional cutting down, injuring, removing, or destroying of timber.

(e) No fine or imprisonment imposed pursuant to this section shall be construed to limit any cause of action by a landowner for recovery of damages otherwise allowed by law. If a person charged or convicted under the provisions of this section enters into an agreement with a landowner to make financial restitution for the landowner’s timber damages, any applicable statute of limitations effecting the landowner’s cause of action shall be tolled from the date the agreement was entered into until a breach of the agreement occurs.

(f) If a criminal action is brought under the provisions of this section, the county prosecutor shall publish a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code in the county where the property involved is located which provides a description of the property and a general summary of the timber damages. If a landowner suffering timber damages is not aware of those damages prior to the publication of the Class II legal advertisement, any applicable statute of limitations effecting the landowner’s cause

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of action for the recovery of damages shall be tolled from the time the damages were incurred, and may not commence until the date the final Class II legal advertisement is published.

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