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## **WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1996** 

## **ENROLLED**

SENATE BILL	. NO	4		
(By Senator	Bowway,	ET	AL	_)

PASSED MARCH 9, 1996
In Effect WINGTY BALS FROM Passage

## 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:

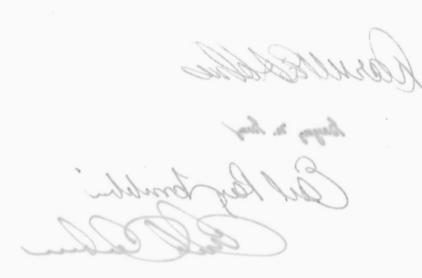
That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty-two, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

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

- (a) Any person who willfully and maliciously and with 1 intent to do harm unlawfully enters upon the lands of another, cuts down, injures, removes or destroys any timber valued at more than one thousand dollars, without the permission of the owner or his or her repre-5 sentative is guilty of a felony, and, upon conviction thereof, shall be fined not more than three times the 7 8 value of timber injured, removed or destroyed or imprisoned in a regional jail for thirty days, or both fined and 9 imprisoned. 10
- 11 (b) Any person who willfully and maliciously and with 12 intent to do harm unlawfully enters upon the lands of another, cuts down, injures, removes or destroys any 13 timber valued at one thousand dollars or less, without 14 the permission of the owner or his or her representative 15 is guilty of a misdemeanor, and, upon conviction thereof, 16 17 shall be fined not more than one thousand dollars or imprisoned in the county or regional jail for not more 18 19 than thirty days.
- 20 (c) The necessary trimming and removal of timber to 21 permit the construction, repair, maintenance, cleanup and operations of pipelines and utility lines and appurte-22 nances of public utilities, public service corporations and 23 24 to aid registered land surveyors and professional engineers in the performance of their professional services, 26 and municipalities, and pipeline companies, or lawful operators and product purchasers of natural resources 27 28 other than timber shall not be deemed a willful and intentional cutting down, injuring, removing or destroy-29 30 ing of timber.
- 31 (d) The necessary trimming and removal of timber for 32 boundary line maintenance, for the construction, maintenance and repair of streets, roads and highways or for 33 the control and regulation of traffic thereon by the state 34 35 and its political subdivisions or registered land surveyors 36 and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing or 37 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.



That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Park Schoonous Chairman Senate Committee
Chairman House Committee
Originated in the Senate.
In effect ninety days from passage.
Clerk of the Senate
Clerk of the House of Delegates
Cal Pay Comble
President of the Senate
Speaker House of Delegates
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day of, 1996.
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Governor

PRESENTED TO THE

GOVERNOR

Date

Time