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
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 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 representative is guilty of a felony, and, upon conviction thereof, shall be fined not more than three times the value of timber injured, removed or destroyed or imprisoned in a regional jail for thirty days, or both fined and imprisoned.

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

(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 deemed 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 deemed a willful and intentional cutting down, injuring, removing or destroying of timber.
39 (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.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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

President of the Senate

Speaker House of Delegates

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

Gaston Caperton
Governor