

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**

—●—  
**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**COMMITTEE SUBSTITUTE**

**FOR**

**Senate Bill No. 353**

**(SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT,  
STOLLINGS, TUCKER AND PLYMALE, ORIGINAL SPONSORS)**

**[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]**

**FILED**

**2014 MAR 28 A 10:19**

**OFFICE WEST VIRGINIA  
SECRETARY OF STATE**

SB353

**FILED**

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STOLLINGS, TUCKER AND PLYMALE, *original sponsors*)**

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**[Passed March 8, 2014; in effect ninety days from passage.]**

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**AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-3b, relating to creating the offense of timber theft from state forests; providing the Division of Forestry authority to investigate and enforce timber theft violations in state forests for research and investigative purposes; directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; and setting forth criminal and civil penalties.**

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

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

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

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

1 (a) Timber theft is the misappropriation or taking of  
2 timber belonging to another, or proceeds derived from the  
3 sale of timber, either taken without the consent of the owner,  
4 or by means of fraudulent conduct, practices or  
5 representations, with the intent to deprive the owner  
6 permanently of the timber or proceeds derived therefrom.

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

16 (c) *Criminal and civil penalties.* – A person who commits  
17 timber theft in a state forest where the timber taken is of a  
18 value of \$25,000 or less is guilty of a misdemeanor and shall  
19 be fined not more than \$5,000 or confined in jail for not more  
20 than one year, or both. A person who commits timber theft in  
21 a state forest where the timber taken is of a value of \$25,000  
22 or more is guilty of a felony and shall be fined not more than  
23 \$10,000 or imprisoned in a state correctional facility for not  
24 more than five years, or both. In addition to any fines and  
25 costs that may be assessed by the court, a person convicted of  
26 a violation of this section shall be ordered to pay a \$500 civil  
27 penalty to the division within sixty days of the entry of a final  
28 order of conviction. The civil penalty shall be collected by  
29 the court in which the person is convicted and forwarded to

**3**

**[Enr. Com. Sub. for Com. Sub. for S. B. No. 353**

**30 the State Treasurer for deposit in the Division of Forestry**  
**31 Fund (3081) for use in administering the provisions of this**  
**32 section.**

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Member — ~~Chairman~~ Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 28 A 10:19

FILED

The within *is approved* ..... this  
the *28th* Day of *March* ....., 2014.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2014

Time 3:45 PM