



SENATE BILL 327: Timber Larceny/Strengthen Laws.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

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|-----------------------|--|---------------------|--------------------------------------|
| Committee: | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | Date: | April 30, 2019 |
| Introduced by: | Sens. McInnis, Sawyer, Burgin | Prepared by: | Shawn Middlebrooks Staff Attorney |
| Analysis of: | PCS to First Edition S327-CSBQ-21 | | |

OVERVIEW: The Proposed Committee Substitute to Senate Bill 327 would increase the criminal penalty and civil liability for offenses related to timber. The PCS would increase reduce the penalty under Section 1 of the bill from a Class E felony to a Class G felony.

CURRENT LAW AND ANALYSIS:

SECTION 1

A person commits the offense of larceny if the person knowingly and willfully cuts down, injures, or removes any standing, growing or fallen tree from the property of another. G. 14-135. Larceny is punishable as a Class 1 misdemeanor (less than \$1,000) or a Class H felony (greater than \$1,000) depending on the value of the property. G.S. 14-72.

Senate Bill 327 would:

- Make it a Class G felony (8 to 41 months incarceration) to knowingly and willfully cut down, injure or remove *timber* from another person's property, or fail to compensate a land owner for timber that has been removed from the owner's land.
- Exempt a person from prosecution if the person pays for the timber as prescribed in this section.
- Provide that substantial evidence of a violation exist if the defendant fails to make full payment as prescribed in this section.
- Require a defendant who violates this section to make restitution to the timber owner for three times the value of the timber.
- Clarify that this section shall not affect civil remedies that may be available.

SECTION 2

A person, firm, or corporation who without permission enters the land of another and injures, cuts or removes any valuable wood, timber, shrub or tree, or who willfully and intentionally sets fire to any wood, timber, tree or shrub on the property of another, is liable to the owner for *double* the value of the wood, timber shrub or tree. G.S. 1-539.1.

Senate Bill 327 would allow the owner to recover *triple* the value of the wood, timber, shrub or tree from a person who violates this section.

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SECTION 3

Any person who willfully injures or destroys another person's agricultural commodities or production system is liable to the owner for *double* the value of the commodities or system injured or destroyed.

Senate Bill 327 would allow the owner to recover *triple* the value of commodities or systems injured or destroyed under this section.

SECTION 4

The Department of Agriculture and Consumer Services may take necessary action to provide for the prevention and control of forest fires in all parts of the State. G.S. 106-895 et seq.

Senate Bill 237 would add G.S. 14-135 to the definition of "Forest Laws" under G.S. 105-897.

EFFECTIVE DATE: See bill text for additional information.