



2021-2022 General Assembly

SENATE BILL 605: North Carolina Farm Act of 2021, Sec. 5: Increase Punishment for Timber Larceny and Increase Civil Penalties for Damaging Timber or Agricultural Commodities

Committee:		Date:	February 7, 2022
Introduced by:		Prepared by:	Chris Saunders
Analysis of:	Sec. 5 of S.L. 2021-78		Staff Attorney

OVERVIEW: Section 5 of S.L. 2021-78:

- *Makes it a Class G felony, with a requirement to pay restitution to the owner to the timber owner for three times the value of the timber, if a person does either of the following:*
 - *Knowingly and willfully cut down, injure, or remove timber owned by another person, without the consent of the owner of the land or timber, or other legal authority. There would be a good faith exception for employees or agents of an electric power supplier under certain circumstances.*
 - *Buy timber directly from the owner of the timber and fail to pay by the date specified in the written agreement, or if there is no agreement, 60 days from the date the buyer removes the timber from the property.*
- *In situations where a person enters the land of another without permission 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, allows the owner to recover triple the value of the wood, timber, shrub or tree from a person who violates this section.*
- *In situations where a person willfully injures or destroys another person's agricultural commodities or production system, allows the owner to recover triple the value of commodities or systems injured or destroyed.*

This section became effective December 1, 2021, and applies to offenses committed and civil actions filed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

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.S. 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).

Section 5.(a) makes it a Class G felony to do either of the following:

- Knowingly and willfully cut down, injure, or remove timber owned by another person, without the consent of the owner of the land or timber, or other legal authority. There would be a good faith exception for employees or agents of an electric power supplier under certain circumstances.

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Director



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- Buy timber directly from the owner of the timber and fail to pay by the date specified in the written agreement, or if there is no agreement, 60 days from the date the buyer removes the timber from the property.

A defendant convicted of larceny of timber is required to pay restitution to the owner to the timber owner for three times the value of the timber. These provisions do not affect civil remedies that may be available.

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).

Section 5.(b) allows the owner to recover *triple* the value of the wood, timber, shrub or tree from a person who violates this section.

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.

Section 5.(c) allows the owner to recover *triple* the value of commodities or systems injured or destroyed under this section.

EFFECTIVE DATE: Section 5.(a) became effective December 1, 2021, and applies to offenses committed on or after that date. Sections 5.(b) and 5.(c) became effective December 1, 2021, and apply to civil actions filed on or after that date.