



# SENATE BILL 582: North Carolina Farm Act of 2023, Sec. 11: Amend Timber Larceny Statute

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 30, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Chris Saunders Staff Attorney
<b>Analysis of:</b>	Sec. 11 of S.L. 2023-63		

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**OVERVIEW:** Section 11 of S.L. 2023-63 adds two acts to the offense of larceny of timber, which is a class G felony:

- *Knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another person without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land. There is an exception for electric power suppliers who believe in good faith that either (i) consent of the owner had been obtained prior to aiding, hiring, or counseling the individual to cut down, injure, or remove the timber, or (ii) the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard.*
- *Knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.*

*This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.*

*This section became effective December 1, 2023, and applies to offenses committed on or after that date.*

**BILL ANALYSIS:** Under prior existing law, it is a Class G felony for a person to commit larceny of timber, which includes the following acts:

- Knowingly and willfully cutting down, injuring, or removing any timber owned by another person, without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.
- Buying timber directly from the owner of the timber and failing to make payment in full to the owner by (i) the date specified in the written timber sales agreement or (ii) if there is no such agreement, 60 days from the date that the buyer removes the timber from the property.

**Section 11** of S.L. 2023-63 adds two other acts that would constitute the offense of larceny of timber:

- Knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another person without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land. There is an exception for electric power suppliers who believe in good faith that either (i) consent of the owner had been obtained prior to aiding, hiring, or counseling the individual to cut down, injure, or remove the timber, or

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(ii) the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard.

- Knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.

## **EFFECTIVE DATE:**

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