

Act No. 106 (H.854). Conservation and land development; crimes and criminal procedure; forestry; timber trespass

An act relating to timber trespass

This act amends statutes related to timber trespass, i.e., the cutting down or carrying away of timber or forest products without permission.

The act repeals the civil penalty for timber trespass and establishes as a crime the knowing or reckless cutting down, destruction, or removal of timber or forest products of another. A first offense is punishable by not more than one year imprisonment or a fine of not more than \$20,000.00, or both. A second or subsequent offense is punishable by not more than two years imprisonment or a fine of not more than \$50,000.00, or both. The act amends the authority to bring a civil action for timber trespass by specifying the damages an injured party may recover. The act authorizes an injured party to recover damages based on the kind, condition, or use of timber or based on a statutory valuation system. The act clarifies the exemptions from timber trespass. The act provides that marking of harvest units prior to harvest is a best management practice and not a requirement.

Effective Date: July 1, 2016