

HNRE Committee Bill Dr. 16-836: An Act Relating to Timber Trespass
Section by Section Summary

Generally: The bill amends the current statute in law addressing timber trespass—i.e. the theft of timber and forest products—in order to clarify the civil action for timber trespass and to clarify criminal enforcement by specifically establishing timber trespass as a crime.

Section 1. Amends 13 V.S.A. chapter 77. Timber Trespass; Trees and Plants

- 13 V.S.A. § 3601: Strikes definitions of “harvest unit” and “harvester” from definitions section for timber trespass. Adds definitions of “forest products” and “timber.”
- 13 V.S.A. § 3602: Strikes the current law providing that timber trespass is a civil penalty, but retains, for purposes of a civil suit, the system for valuing damages from timber trespass.
 - Current law does not clearly set forth who assesses the judicial bureau civil penalty.
 - The civil penalty would be replaced by the timber trespass crime created under § 3606a.
- 13 V.S.A. §§ 3603 and 3604: Repeals sections regarding marking harvest units prior to harvest and exemptions from marking units.
 - Current law requires a harvester to mark a tract of land—harvest unit—prior to harvest in order to limit trespass across property boundaries during harvest.
 - Marking is not consistently implemented and the Department of Forests, Parks and Recreation argues that it does not effectively address the causes of timber trespass.
- 13 V.S.A. § 3606: Amends the authority for a person to bring a civil suit for damages caused by timber trespass to specify the type of damages that an injured party may recover, including damage to land and costs of litigation.
 - Also provides that an injured party may recover damages based on the kind, condition or use of the relevant timber, or may use the valuation system under 13 V.S.A. § 3602.
- 13 V.S.A. § 3606a: Establishes as a crime the knowing or reckless cutting down, destruction, or removal of timber or forest products of another. The penalty for timber trespass would be:
 - (1) for timber valued at more than \$1,000, imprisonment of not more than 5 years, or a fine of not more than \$5,000, or both; and
 - (2) for timber valued at less than \$1,000, imprisonment of more than 2 years, or a fine of not more than \$2,000, or both.

Section 2. 4 V.S.A. § 1102(b). Judicial Bureau Authority; Timber Trespass

- Strikes Judicial Bureau authority for timber trespass civil penalty; penalty never enforced; the enforcement agent was never specified.
 - Timber trespass would now be a crime under the proposed 13 V.S.A. § 3606a.

Section 3. Effective Date

- The Act would go into effect July 1, 2016