

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Mar 20, 2019
S.B. 327
PRINCIPAL CLERK

S

D

SENATE BILL DRS45132-ML-80

Short Title: Timber Larceny/Strengthen Laws. (Public)

Sponsors: Senators McInnis, Sawyer, and Burgin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING LARCENY OF
3 TIMBER.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-135 reads as rewritten:

6 "§ 14-135. ~~Cutting, injuring, or removing another's~~Larceny of timber.

7 (a) Offense. – A person commits the offense of larceny of timber if the person does any
8 of the following:

9 (1) ~~If any person not being the bona fide owner thereof, shall knowingly and~~
10 ~~willfully cut down, injure or remove any standing, growing or fallen tree or~~
11 ~~log off the property of another, the person shall be punished the same as in~~
12 ~~G.S. 14-72.~~Knowingly and willfully cuts down, injures, or removes any
13 timber owned by another person.

14 (2) Buys timber directly from the owner of the land on which the timber is grown
15 and fails to make payment in full to the owner by (i) the date specified in the
16 written timber sales agreement or (ii) if there is no agreement, 60 days from
17 the date that the buyer removes the timber from the property.

18 (b) Exceptions. – A person is not guilty of an offense under subdivision (2) of subsection
19 (a) of this section if (i) the person remits payment in full within the time period set in subdivision
20 (2) of subsection (a) of this section to a person he or she believes in good faith to be the rightful
21 owner of the timber or (ii) remits payment in full to the owner of the land within the 10-day
22 period set forth in subsection (c) of this section.

23 (c) Prima Facie Evidence. – An owner of land who does not receive payment in full
24 within the time period set in subdivision (2) of subsection (a) of this section may notify the timber
25 buyer in writing of the owner's demand for payment at the timber buyer's last known address by
26 certified mail or by personal delivery. The timber buyer's failure to make payment in full within
27 10 days after the mailing or personal delivery authorized under this subsection shall constitute
28 prima facie evidence of the timber buyer's intent to commit an offense under subdivision (2) of
29 subsection (a) of this section.

30 (d) Penalty; Restitution. – A person who commits an offense under subsection (a) of this
31 section is guilty of a Class E felony. Additionally, a defendant convicted of an offense under
32 subsection (a) of this section shall be ordered to make restitution to the timber owner in an amount
33 equal to three times the value of the timber (i) cut down, injured, or removed in violation of
34 subdivision (1) of subsection (a) of this section or (ii) bought but not paid for in violation of
35 subdivision (2) of subsection (a) of this section.



1 (e) Civil Remedies. – Nothing in this section shall affect any civil remedies available for
2 a violation of subsection (a) of this section."

3 **SECTION 2.** G.S. 1-539.1 reads as rewritten:

4 "**§ 1-539.1. Damages for unlawful cutting, removal or burning of timber; misrepresentation**
5 **of property lines.**

6 (a) Any person, firm or corporation not being the bona fide owner thereof or agent of the
7 owner who shall without the consent and permission of the bona fide owner enter upon the land
8 of another and injure, cut or remove any valuable wood, timber, shrub or tree therefrom, shall be
9 liable to the owner of said land for ~~double~~-triple the value of such wood, timber, shrubs or trees
10 so injured, cut or removed.

11 (b) If any person, firm or corporation shall willfully and intentionally set on fire, or cause
12 to be set on fire, in any manner whatever, any valuable wood, timber or trees on the lands of
13 another, such person, firm or corporation shall be liable to the owner of said lands for ~~double~~
14 triple the value of such wood, timber or trees damaged or destroyed thereby.

15"

16 **SECTION 3.** G.S. 1-539.2B reads as rewritten:

17 "**§ 1-539.2B. ~~Double-Triple~~ damages for injury to agricultural commodities or production**
18 **systems; define value of agricultural commodities grown for educational, testing,**
19 **or research purposes.**

20 (a) Any person who unlawfully and willfully injures or destroys any other person's
21 agricultural commodities or production system is liable to the owner for ~~double~~-triple the value
22 of the commodities or production system injured or destroyed.

23"

24 **SECTION 4.** G.S. 106-897 reads as rewritten:

25 "**§ 106-897. Forest laws defined.**

26 The forest laws consist of:

27 (1) ~~G.S. 14-136~~-G.S. 14-135 to G.S. 14-140;

28"

29 **SECTION 5.** Sections 1 and 4 of this act become effective December 1, 2019, and
30 apply to offenses committed on or after that date. Sections 2 and 3 of this act become effective
31 December 1, 2019, and apply to civil actions filed on or after that date. The remainder of this act
32 becomes effective December 1, 2019.