

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

3

SENATE BILL 327
Judiciary Committee Substitute Adopted 4/30/19
Third Edition Engrossed 5/2/19

Short Title: Timber Larceny/Strengthen Laws.

(Public)

Sponsors:

Referred to:

March 21, 2019

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, without the consent of the owner of the land
14 or the owner of the timber, or without a lawful easement running with the land.

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

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

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

31 (d) Penalty; Restitution. – A person who commits an offense under subsection (a) of this
32 section is guilty of a Class G felony. Additionally, a defendant convicted of an offense under
33 subsection (a) of this section shall be ordered to make restitution to the timber owner in an amount
34 of equal to either of the following:



1 (1) Three times the value of the timber (i) cut down, injured, or removed in
2 violation of subdivision (1) of subsection (a) of this section.

3 (2) Three times the value of the timber bought but not paid for in violation of
4 subdivision (2) of subsection (a) of this section.

5 Restitution shall also include the cost incurred by the owner to determine the value of the
6 timber. For purposes of subdivision (1) and (2) of this subsection, "value of the timber" shall be
7 based on the stumpage rate of the timber.

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

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

11 "**§ 1-539.1. Damages for unlawful cutting, removal or burning of timber; misrepresentation**
12 **of property lines.**

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

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

22 "

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

24 "**§ 1-539.2B. ~~Double~~-Triple damages for injury to agricultural commodities or production**
25 **systems; define value of agricultural commodities grown for educational, testing,**
26 **or research purposes.**

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

30 "

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

32 "**§ 106-897. Forest laws defined.**

33 The forest laws consist of:

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

35 "

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