

BILL ANALYSIS

Senate Research Center
82R3682 TRH-F

H.B. 612
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Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 151.105 (Offense), Natural Resources Code, was created in 1997 to combat theft of timber when there is an existing contract for harvesting in place.

The current statute has been useful. However, some confusion exists because the Natural Resources Code theft penalties are not in alignment with penalties for theft located in the Penal Code. Under current language, a trustee can only be charged with a state jail felony if the trustee fails to pay the beneficiaries of the trust the purchase price of the timber sold by the trustee. It does not matter if the value of the timber was \$500 or \$500,000.

H.B. 612 amends current law relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 151.105(d), Natural Resources Code, as follows:

(d) Provides that an offense under this section is:

- (1) a state jail felony if it is shown on the trial of the offense that the value of the timber sold is at least \$500 but less than \$20,000;
- (2) a felony of the third degree if it is shown on the trial of the offense that the value of the timber sold is at least \$20,000 but less than \$100,000;
- (3) a felony of the second degree if it is shown on the trial of the offense that the value of the timber sold is at least \$100,000 but less than \$200,000; or
- (4) a felony of the first degree if it is shown on the trial of the offense that the value of the timber sold is at least \$200,000.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.