

## **BILL ANALYSIS**

H.B. 613  
By: Hopson  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law does not explicitly define criminal penalties for unauthorized harvesting of timber. Unauthorized harvesting may lead to expenses that exceed the current mechanism for determining restitution. H.B. 613 amends the Natural Resources Code to include criminal penalties similar to those found in Penal Code provisions relating to theft and makes unauthorized harvesters of timber liable for the mill price of the harvested timber and all reasonable expenses incurred by an owner as a direct result of the unauthorized harvesting. The bill makes it an offense for a person to harvest or cause another person to harvest standing timber with knowledge that the harvesting is without the permission of the owner of the standing timber and changes the amount of damages resulting from such actions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 613 amends the Natural Resources Code to make it an offense to harvest standing timber with knowledge that the harvesting is without the permission of the owner of the standing timber or to cause another person to harvest standing timber without the permission of the owner of the standing timber. The bill makes such an offense a state jail felony if it is shown on the trial of the offense that the value of the timber harvested is at least \$500 but less than \$20,000, a felony of the third degree if it is shown on the trial of the offense that the value of the timber harvested is at least \$20,000 but less than \$100,000, a felony of the second degree if it is shown on the trial of the offense that the value of the timber harvested is at least \$100,000 but less than \$200,000, or a felony of the first degree if it is shown on the trial of the offense that the value of the timber harvested is at least \$200,000.

H.B. 613 sets damages in an amount equal to the sum of the mill price of timber harvested and all reasonable expenses incurred by an owner as a direct result of unauthorized harvesting, rather than three times the market price of timber harvested without permission, for which a person who harvests standing timber with knowledge that the harvesting is without the permission of the owner of the standing timber and a person who causes another person to harvest standing timber without the permission of the owner of the standing timber are jointly and severally liable to the owner. The bill provides that payment of such damages does not preclude a prosecution of the person under the bill's provisions relating to a criminal offense, in addition to statutory provisions relating to certain timber misdemeanors.

### **EFFECTIVE DATE**

September 1, 2011.