

1-1 By: Hopson, Farrar (Senate Sponsor - Nichols) H.B. No. 613
1-2 (In the Senate - Received from the House April 4, 2011;
1-3 April 7, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; April 13, 2011, reported favorably
1-5 by the following vote: Yeas 3, Nays 0; April 13, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the unauthorized harvesting of standing timber;
1-10 providing for the imposition of a criminal penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 151.051(a) and (b), Natural Resources
1-13 Code, are amended to read as follows:

1-14 (a) A person who harvests standing timber with knowledge
1-15 that the harvesting is without the permission of the owner of the
1-16 standing timber and a person who causes another person to harvest
1-17 standing timber without the permission of the owner of the standing
1-18 timber are jointly and severally liable to the owner for damages in
1-19 an amount equal to the sum of the mill price of the timber harvested
1-20 and all reasonable expenses incurred by the owner as a direct result
1-21 of the unauthorized harvesting [~~three times the market price of the~~
1-22 ~~timber harvested without permission~~].

1-23 (b) Payment of damages by a person under this section does
1-24 not preclude a prosecution of the person under Section 151.005 or
1-25 151.052.

1-26 SECTION 2. Subchapter B, Chapter 151, Natural Resources
1-27 Code, is amended by adding Section 151.052 to read as follows:

1-28 Sec. 151.052. CRIMINAL OFFENSE. (a) A person commits an
1-29 offense if the person:

1-30 (1) harvests standing timber with knowledge that the
1-31 harvesting is without the permission of the owner of the standing
1-32 timber; or

1-33 (2) causes another person to harvest standing timber
1-34 without the permission of the owner of the standing timber.

1-35 (b) An offense under this section is:

1-36 (1) a state jail felony if it is shown on the trial of
1-37 the offense that the value of the timber harvested is at least \$500
1-38 but less than \$20,000;

1-39 (2) a felony of the third degree if it is shown on the
1-40 trial of the offense that the value of the timber harvested is at
1-41 least \$20,000 but less than \$100,000;

1-42 (3) a felony of the second degree if it is shown on the
1-43 trial of the offense that the value of the timber harvested is at
1-44 least \$100,000 but less than \$200,000; or

1-45 (4) a felony of the first degree if it is shown on the
1-46 trial of the offense that the value of the timber harvested is at
1-47 least \$200,000.

1-48 SECTION 3. The change in law made by Section 151.051,
1-49 Natural Resources Code, as amended by this Act, applies only to the
1-50 unauthorized harvesting of standing timber that occurs on or after
1-51 the effective date of this Act. The unauthorized harvesting of
1-52 standing timber that occurs before the effective date of this Act is
1-53 subject to the law in effect on the date the unauthorized harvesting
1-54 occurs, and that law is continued in effect for that purpose.

1-55 SECTION 4. This Act takes effect September 1, 2011.

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