

By: Farrar

H.B. No. 2764

A BILL TO BE ENTITLED

AN ACT

relating to the offense of intentional unauthorized harvesting of timber, providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 151.005, Natural Resources Code, is amended to read as follows:

Sec. 151.051. DAMAGES FOR UNAUTHORIZED HARVESTING. (a) 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 for damages in an amount equal to three times the market price of the timber harvested without permission.

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

(c) This section does not apply to the trimming or clearing of trees in the vicinity of a utility line or right-of-way.

SECTION 2. Chapter 151, Natural Resources Code, is amended by adding Section 151.052 to read as follows:

Section 151.052. Criminal Offense of Intentional Unauthorized Harvesting. (a) A person commits an offense if the person harvests, or directs another person to harvest, standing

1 timber with a total market value of at least \$500 with the
2 knowledge that the harvesting is without permission of the owner of
3 the standing timber.

4 (b) An offense under this section is:

5 (1) a state jail felony if the value of the timber
6 harvested without permission is at least \$500 but not more than
7 \$20,000.

8 (2) a felony of the third degree if the value of the
9 timber harvested without permission is at least \$20,000 but not
10 more than \$100,000.

11 (3) a felony of the second degree if the value of the
12 timber harvested without permission is \$100,000 or more.

13 SECTION 3. This Act takes effect September 1, 2011.