

By: Nichols

S.B. No. 584

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the unauthorized harvesting of standing timber;
3 providing for the imposition of a criminal penalty.

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

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

7 (a) A person who harvests standing timber with knowledge
8 that the harvesting is without the permission of the owner of the
9 standing timber and a person who causes another person to harvest
10 standing timber without the permission of the owner of the standing
11 timber are jointly and severally liable to the owner for damages in
12 an amount equal to the sum of the mill price of the timber harvested
13 and all reasonable expenses incurred by the owner as a direct result
14 of the unauthorized harvesting [~~three times the market price of the~~
15 ~~timber harvested without permission~~].

16 (b) Payment of damages by a person under this section does
17 not preclude a prosecution of the person under Section 151.005 or
18 151.052.

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

21 Sec. 151.052. CRIMINAL OFFENSE. (a) A person commits an
22 offense if the person:

23 (1) harvests standing timber with knowledge that the
24 harvesting is without the permission of the owner of the standing

1 timber; or

2 (2) causes another person to harvest standing timber
3 without the permission of the owner of the standing timber.

4 (b) An offense under this section is:

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

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

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

14 (4) a felony of the first degree if it is shown on the
15 trial of the offense that the value of the timber harvested is at
16 least \$200,000.

17 SECTION 3. The change in law made by Section 151.051,
18 Natural Resources Code, as amended by this Act, applies only to the
19 unauthorized harvesting of standing timber that occurs on or after
20 the effective date of this Act. The unauthorized harvesting of
21 standing timber that occurs before the effective date of this Act is
22 subject to the law in effect on the date the unauthorized harvesting
23 occurs, and that law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2011.