

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2514 Session of
2008

INTRODUCED BY HANNA, BELFANTI, BOYD, BRENNAN, CARROLL, DALEY,
FRANKEL, GEORGE, HALUSKA, HERSHEY, HESS, HORNAMAN, MAHONEY,
MANN, MOUL, MURT, O'NEILL, PALLONE, PASHINSKI, PAYNE,
PHILLIPS, ROHRER, SIPTROTH, STABACK, SURRA, J. WHITE AND
YOUNGBLOOD, MAY 12, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 2008

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for restitution for theft of
4 timber and for damages in actions for conversion of timber.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1107 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1107. Restitution for theft of timber.

10 Any person convicted for the theft of standing timber under
11 section 3921 (relating to theft by unlawful taking or
12 disposition) shall, in addition to any other sentence imposed,
13 be sentenced to pay the owner of the timber restitution in an
14 amount [twice] six times the value of the timber taken.

15 Section 2. Section 8311(a) of Title 42 is amended to read:

16 § 8311. Damages in actions for conversion of timber.

17 (a) General rule.--In lieu of all other damages or civil

1 remedies provided by law, a person who cuts or removes the
2 timber of another person without the consent of that person
3 shall be liable to that person in a civil action for an amount
4 of damages equal to:

5 (1) the usual and customary costs of establishing the
6 value of the timber cut or removed and of complying with the
7 erosion and sedimentation control regulations contained in 25
8 Pa. Code Ch. 102 (relating to erosion control);

9 (1.1) the cost of any surveys obtained in connection
10 with the civil action; and

11 (2) one of the following:

12 (i) [three] six times the market value of the timber
13 cut or removed if the act is determined to have been
14 deliberate;

15 (ii) [two] four times the market value of the timber
16 cut or removed if the act is determined to have been
17 negligent; or

18 (iii) the market value of the timber cut or removed
19 if the defendant is determined to have had a reasonable
20 basis for believing that the land on which the act was
21 committed was his or that of the person in whose service
22 or by whose direction the act was done.

23 * * *

24 Section 3. This act shall take effect in 60 days.