

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
Mar 29, 2017
S.B. 532
PRINCIPAL CLERK

S

D

SENATE BILL DRS45323-MSa-126 (03/21)

Short Title: Landowner Encroachment and Timber Theft Act. (Public)

Sponsors: Senators McInnis and Brock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE RESOURCES, AUTHORITY, AND GUIDANCE TO THE NORTH
3 CAROLINA FOREST SERVICE LAW ENFORCEMENT SECTION TO MONITOR
4 AND REDUCE LOSSES DUE TO LANDOWNER ENCROACHMENT, TIMBER, AND
5 OTHER NATURAL RESOURCE THEFT OR LOSS AND TO INCREASE THE
6 PENALTIES ASSOCIATED WITH THESE CRIMES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Department of Agriculture and Consumer Services will provide
9 additional training, public outreach, and staffing to the North Carolina Forest Service Law
10 Enforcement Section for reducing intentional timber theft and act as public liaison for
11 landowner's property rights. These officers shall be stationed proportionally and geographically
12 across the State, and training will include supporting local law enforcement with investigations
13 in arson, public and private natural resources theft or loss, malicious trespass, and other crimes.
14 These officers will advocate for crime victims, offer prosecutorial assistance where appropriate,
15 serve as a consulting resource for landowners in property disputes, and provide
16 interdepartmental and cross-agency support for emergency services, public safety, and other
17 regulatory agencies at the request of the landowners or local government. These officers will
18 engage with and increase outreach, education, and communication to the general public,
19 landowners, businesses, and governmental units on the services and resources available through
20 Enforcement and other Forestry programs. The Forest Service Law Enforcement Section will
21 develop the implementation plan, time line, and performance measures for these officers and
22 report progress to the Joint Agricultural and Forestry Commission before the 2018 General
23 Assembly convenes.

24 **SECTION 2.** G.S. 14-128 reads as rewritten:

25 "**§ 14-128. Injury to trees, crops, lands, etc., of another.**

26 Any person, not being on his own lands, who shall without the consent of the owner
27 thereof, willfully commit any damage, injury, or spoliation to or upon any tree, wood,
28 underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or
29 thing growing or being thereon, or who cuts, breaks, injures, or removes any tree, plant, or
30 flower, shall be guilty of a ~~Class 1~~ Class A1 misdemeanor: Provided, however, that this section
31 shall not apply to the officers, agents, and employees of the Department of Transportation
32 while in the discharge of their duties within the right-of-way or easement of the Department of
33 Transportation."

34 **SECTION 3.** G.S. 14-136 reads as rewritten:

35 "**§ 14-136. Setting fire to grass and brushlands and woodlands.**



* D R S 4 5 3 2 3 - M S A - 1 2 6 *

1 If any person shall intentionally set fire to any grassland, brushland or woodland, except it
2 be his own property, or in that case without first giving notice to all persons owning or in
3 charge of lands adjoining the land intended to be fired, and without also taking care to watch
4 such fire while burning and to extinguish it before it shall reach any lands near to or adjoining
5 the lands so fired, he shall for every such offense be guilty of a ~~Class 2~~Class 1 misdemeanor for
6 the first offense, and for a second or any subsequent similar offense shall be guilty of a ~~Class~~
7 ~~1~~Class A1 misdemeanor. If intent to damage the property of another shall be shown, said
8 person shall be punished as a ~~Class I~~Class H felon. This section shall not prevent an action for
9 the damages sustained by the owner of any property from such fires. For the purposes of this
10 section, the term "woodland" is to be taken to include all forest areas, both timber and cutover
11 land, and all second-growth stands on areas that have at one time been cultivated. Any person
12 who shall furnish to the State, evidence sufficient for the conviction of a violation of this
13 section shall receive the sum of five hundred dollars (\$500.00) to be paid from the State Fire
14 Suppression Fund."

15 **SECTION 4.** G.S. 14-138.1 reads as rewritten:

16 "**§ 14-138.1. Setting fire to grassland, brushland, or woodland.**

17 Any person, firm, corporation, or other legal entity who shall in any manner whatsoever
18 start any fire upon any grassland, brushland, or woodland without fully extinguishing the same,
19 shall be guilty of a ~~Class 3~~Class 2 misdemeanor which may include a fine of not less than ten
20 dollars (\$10.00) or more than fifty dollars (\$50.00). For the purpose of this section, the term
21 "woodland" includes timber and cutover land and all second growth stands on areas that were
22 once cultivated."

23 **SECTION 5.** G.S. 14-383 reads as rewritten:

24 "**§ 14-383. Cutting timber on town watershed without disposing of boughs and debris;**
25 **misdemeanor.**

26 Any person, firm or corporation owning lands or the standing timber on lands within 400
27 feet of any watershed held or owned by any city or town, for the purpose of furnishing a city or
28 town water supply, upon cutting or removing the timber or permitting the same cut or removed
29 from lands so within 400 feet of said watershed, or any part thereof, shall, within three months
30 after cutting, or earlier upon written notice by said city or town, remove or cause to be burned
31 under proper supervision all treetops, boughs, laps and other portions of timber not desired to
32 be taken for commercial or other purposes, within 400 feet of the boundary line of such part of
33 such watershed as is held or owned by such town or city, so as to leave such space of 400 feet
34 immediately adjoining the boundary line of such watershed, so held or owned, free and clear of
35 all such treetops, laps, boughs and other inflammable material caused by or left from cutting
36 such standing timber, so as to prevent the spread of fire from such cutover area and the
37 consequent damage to such watershed. Any such person, firm or corporation violating the
38 provisions of this section shall be guilty of a ~~Class 2~~Class 1 misdemeanor."

39 **SECTION 6.** There is appropriated from the General Fund to the Department of
40 Agriculture and Consumer Services, North Carolina Forest Services, the sum of forty-eight
41 thousand dollars (\$48,000) in nonrecurring funds for the 2017-2018 fiscal year for the
42 planning, agency training and administration, and basic law enforcement training for 10 staff
43 members in five representative geographies and the sum of two hundred fourteen thousand five
44 hundred dollars (\$214,500) in nonrecurring funds for the 2018-2019 fiscal year for three
45 additional full-time employees, five enrollments in basic law enforcement training, and
46 additional equipment and support.

47 **SECTION 7.** This act becomes effective July 1, 2017.