~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 12, 2012

**S. 168**

Introduced by Senators Shoopman, Verdin and Leventis

S. Printed 1/12/12--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON**

**AGRICULTURE AND NATURAL RESOURCES**

To whom was referred a Bill (S. 168) to amend Section 16‑11‑580, as amended, Code of Laws of South Carolina, 1976, relating to penalties for cutting, removing, or transporting timber products, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 1 - 22 and inserting:

/ (B) If the value of the forest products is one thousand dollars or less, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than ~~five~~ fifteen hundred dollars or imprisoned for not more than thirty days~~.~~; and

(2) for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days.

(C) If the value of the forest products is more than one thousand dollars, a person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction:

(1) for a first offense, must be:

~~(1)~~(a) fined ~~in the discretion of the court~~ not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years if the value of the forest products is more than one thousand dollars but less than five thousand dollars; or

~~(2)~~(b) fined ~~in the discretion of the court~~ not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years if the value of the forest products is five thousand dollars or more~~.~~; and

(2) for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days.

(D) As used in this section, ‘forest products’ include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.

(E) No part of the mandatory sentences required for violations of this section may be suspended.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

DANIEL B. VERDIN III C. BRADLEY HUTTO

For Majority. For Minority.

**A** **BILL**

TO AMEND SECTION 16‑11‑580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑11‑580 of the 1976 Code, as last amended by Act 273 of 2004, is further amended to read:

“Section 16‑11‑580. (A) It is unlawful for a person to knowingly and wilfully:

(1) cut, destroy, or remove forest products without the consent of the landowner;

(2) aid, hire, or counsel another person to cut, destroy, or remove forest products without the consent of the landowner;

(3) obtain or acquire forest products under false pretenses or with fraudulent intent; or

(4) transport forest products if the person knows that the forest products have been cut, removed, obtained, or acquired from the property of a landowner in violation of the provisions of this subsection.

(B) If the value of the forest products is one thousand dollars or less, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than ~~five~~ fifteen hundred dollars or imprisoned for not more than thirty days.

(C) If the value of the forest products is more than one thousand dollars, a person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction, must be:

(1) fined ~~in the discretion of the court~~ not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years if the value of the forest products is more than one thousand dollars but less than five thousand dollars; or

(2) fined ~~in the discretion of the court~~ not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years if the value of the forest products is five thousand dollars or more.

(D) As used in this section, ‘forest products’ include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect July 1, 2011.

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