

1 HB318
2 136323-2
3 By Representative Newton (C)
4 RFD: Agriculture and Forestry
5 First Read: 14-FEB-12

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ENROLLED, An Act,

To amend Section 9-13-60, Code of Alabama 1975, providing criminal violations relating to timber or other forest products; to include the removal of timber or forest products by deception as an unlawful act subject to the existing criminal penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-13-60, Code of Alabama 1975, is amended to read as follows:

"§9-13-60.

"(a) It is unlawful for any person or persons to do any of the following:

"(1) Willfully and knowingly cut, kill, destroy, girdle, chop, chip, saw or otherwise damage timber or forest products not his own or without authority of the legal owner.

"(2) Willfully and knowingly remove timber or other forest products other than his own or without authority of the legal owner.

1 "(3) Willfully and knowingly transport timber or
2 other forest products which have been severed or removed in
3 violation of subdivisions (1) or (2) of this section.

4 "(4) Willfully and knowingly purchase or contract to
5 purchase or otherwise obtain timber or forest products
6 severed, removed or transported in violation of subdivisions
7 (1), (2) or (3) of this section.

8 "(5) Willfully and knowingly sell, contract to sell
9 or otherwise dispose of logs, poles, piling, crossties,
10 pulpwood, veneer bolts, staves or other unmanufactured or
11 semimanufactured forest products not his or her own or without
12 authority of the legal owner.

13 "(6) Alter or by any means cause a weight measuring
14 device to give a false reading as to the actual or true weight
15 of any forest products for the purpose of deceiving or
16 defrauding any person, firm, or corporation.

17 "(7) Willfully and knowingly remove timber or other
18 forest products of another by means of deception, as defined
19 in Section 13A-8-1.

20 "(b) A violation of subsection (a) is a Class A
21 misdemeanor and shall be punished as provided by law.

22 "(c) This section shall not apply to any utility or
23 corporation engaged in providing electric service. Nor shall
24 it apply to the employees, contractors, agents, or
25 representatives of a utility or corporation engaged in

1 providing electric service where such employees, contractors,
2 agents, or representatives are acting within the course and
3 scope of their employment, contract, or agency."

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

