

1 HB405
2 117751-3
3 By Representative Fincher
4 RFD: Agriculture and Forestry
5 First Read: 21-JAN-10

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ENROLLED, An Act,

To amend Section 9-13-60, Code of Alabama 1975, to provide further for penalties related to crimes involving timber and forest products; to make it a crime to cause a weight measuring device to give a false reading of timber or forest products; to define forest products; 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) Any It is unlawful for any person or persons who shall 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 owner7.

"(2) Willfully and knowingly remove timber or other forest products other than his own or without authority of the legal owner7.

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~~;~~and,

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 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 ~~shall be deemed guilty of a misdemeanor and shall be punished~~
18 ~~by a fine of not less than \$10.00 nor more than \$1,000.00 and~~
19 ~~may also be imprisoned in the county jail or sentenced to hard~~
20 ~~labor for not less than 10 days nor more than 12 months~~

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

23 "(c) The term "forest products" includes, but is not
24 limited to, timber, trees, logs, lumber, pine straw, woody
25 biomass, or any other products in the forest which are located

1 ~~on any land in this state, whether publicly or privately~~
 2 ~~owned. This section shall not apply to any utility or~~
 3 ~~corporation engaged in providing electric service. Nor shall~~
 4 ~~it apply to the employees, contractors, agents, or~~
 5 ~~representatives of a utility or corporation engaged in~~
 6 ~~providing electric service where such employees, contractors,~~
 7 ~~agents or representatives are acting within the course and~~
 8 ~~scope of their employment, contract, or agency."~~

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 11-MAR-10, as amended.

Greg Pappas
Clerk

Senate

22-APR-10

Passed