**South Carolina General Assembly**

119th Session, 2011-2012

**A225, R262, S168**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shoopman, Verdin and Leventis

Document Path: l:\council\bills\ms\7033ahb11.docx

Introduced in the Senate on January 11, 2011

Introduced in the House on April 17, 2012

Last Amended on March 28, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Timber

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Agriculture and Natural Resources**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 80](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 80](file:///h:\sj%20archive\2011\01-11-11.docx))

1/12/2012 Senate Committee report: Majority favorable with amend., minority unfavorable **Agriculture and Natural Resources** ([Senate Journal‑page 8](file:///h:\sj%20archive\2012\01-12-12.docx))

3/28/2012 Senate Minority Report Removed ([Senate Journal‑page 39](file:///h:\sj%20archive\2012\03-28-12.docx))

3/28/2012 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 39](file:///h:\sj%20archive\2012\03-28-12.docx))

3/29/2012 Senate Read second time ([Senate Journal‑page 16](file:///h:\sj%20archive\2012\03-29-12.docx))

3/29/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 16](file:///h:\sj%20archive\2012\03-29-12.docx))

3/29/2012 Scrivener's error corrected

4/10/2012 Senate Read third time and sent to House ([Senate Journal‑page 14](file:///h:\sj%20archive\2012\04-10-12.docx))

4/17/2012 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj%20archive\2012\04-17-12.docx))

4/17/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 7](file:///h:\hj%20archive\2012\04-17-12.docx))

5/30/2012 House Committee report: Favorable **Judiciary** ([House Journal‑page 33](file:///h:\hj%20archive\2012\05-30-12.docx))

6/5/2012 House Read second time ([House Journal‑page 83](file:///h:\hj%20archive\2012\06-05-12.docx))

6/5/2012 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 83](file:///h:\hj%20archive\2012\06-05-12.docx))

6/6/2012 House Read third time and enrolled ([House Journal‑page 34](file:///h:\hj%20archive\2012\06-06-12.docx))

6/12/2012 Ratified R 262

6/18/2012 Signed By Governor

6/20/2012 Effective date 07/01/12

6/26/2012 Act No. 225

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\168_20101201.docx)

[1/12/2012](file:///p:\pprever\2011-12\168_20120112.docx)

[3/28/2012](file:///p:\pprever\2011-12\168_20120328.docx)

[3/29/2012](file:///p:\pprever\2011-12\168_20120329.docx)

[5/30/2012](file:///p:\pprever\2011-12\168_20120530.docx)

(A225, R262, S168)

**AN ACT TO AMEND SECTION 16‑11‑580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING FOREST PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO REVISE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR FIRST AND SECOND OR SUBSEQUENT OFFENSES BASED ON THE VALUE OF THE FOREST PRODUCTS.**

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

**Forest products, unlawful cutting, destroying, or removing, penalties revised**

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:

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

(C) If the value of the forest products is more than one thousand dollars but less than five thousand dollars, a person who violates the provisions of subsection (A):

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years, or both; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years.

(D) If the value of the forest products is five thousand dollars or more, a person who violates the provisions of subsection (A):

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years, or both; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years.

(E) 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.”

**Savings clause**

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.

**Time effective**

SECTION 3. This act takes effect July 1, 2012.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_