

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2249

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Austin

**3. Committee:** Committee Referral Pending

**4. Title:** Timber sales; theft; accounting; penalty.

**5. Summary:** Provides that a person who buys and removes timber from a landowner's property is guilty of larceny if he fails to pay the landowner by the date specified in their agreement, or if there is no written agreement, within 60 days of removing the timber. The bill provides that a person who is convicted of larceny of timber shall be ordered to pay three times the value of the timber removed. An exception exists for a purchaser who made timely payment to a person he believed in good faith to be the rightful owner of the timber. The bill also provides that, following the passing of the payment deadline, a buyer's failure to pay within 10 days of receiving a demand for payment shall constitute prima facie evidence of the buyer's intent to violate the larceny provision.

The bill requires a timber buyer, in certain cases, to furnish at the request of the landowner an accounting of each load removed from the property, with supporting documentation. A person who fails to provide such information, or who provides false information, is guilty of a Class 3 misdemeanor.

The bill extends from 30 days to 90 days the period during which the owner of land on which a person encroached and cut timber has the right to notify such trespasser and to appoint a timber estimator to determine the amount of damages and directs the State Forester to assist landowners and law-enforcement agencies relative to reported cases of timber theft.

**6. Budget Amendment Necessary:** Yes, Item 390, Department of Corrections, HB1700/SB1100.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**Department of Corrections Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019	\$0	0	n/a
2020	\$50,000	0	GF
2021	\$0	0	n/a
2022	\$0	0	n/a
2023	\$0	0	n/a
2024	\$0	0	n/a
2025	\$0	0	n/a

- 8. Fiscal Implications:** It is anticipated that the impact from this bill to the Department of Forestry (DOF) is indeterminate as DOF does not have enough information to estimate the number of new cases.

According to this bill, any person who fails to provide the information required by this bill, or who knowingly provides false information, is guilty of a Class 3 misdemeanor. A Class 3 misdemeanor is punishable by a fine of up to \$500. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

According to the Virginia Criminal Sentencing Commission, because this bill creates a new felony offense for which imprisonment is authorized, this bill may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. As a result, the magnitude of the impact on prison beds cannot be quantified.

Therefore, pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Also, pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Forestry; Department of Corrections.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** This bill is identical to HB2411 and is the companion to SB1469.