

1 IN THE HOUSE

BY DAVIS AND BOYER

2

HOUSE BILL NO. 339

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to theft of timber products."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.46.100 is amended to read:

9 Sec. 11.46.100. THEFT DEFINED. A person commits theft if

10 (1) with intent to deprive another of property or to appro-  
11 priate property of another to oneself or a third person, the person  
12 obtains the property of another;

13 (2) the person commits theft of lost or mislaid property  
14 under AS 11.46.160;

15 (3) the person commits theft by deception under AS 11.46.-  
16 180;

17 (4) the person commits theft by receiving under AS 11.46.-  
18 190;

19 (5) the person commits theft of services under AS 11.46.-  
20 200;

21 (6) the person commits theft by failure to make required  
22 disposition of funds received or held under AS 11.46.210;

23 (7) the person commits theft of timber products under  
24 AS 11.46.215.

25 \* Sec. 2. AS 11.46 is amended by adding a new section to read:

26 Sec. 11.46.215. THEFT OF TIMBER PRODUCTS. (a) A person commits  
27 theft of timber products if, with intent to deprive another person of  
28 property or to appropriate property of another to oneself or a third  
29 person, the person transports on a public highway or water of the

1 state timber products, including deciduous or coniferous trees, saw-  
2 logs, poles, cedar products, pulp logs, fuelwood, or other timber  
3 products without proof of ownership of the timber products. In this  
4 section, "proof of ownership" includes one or more of the following:

5 (1) a permit, contract, or other legal instrument issued by  
6 the landowner or a state or federal agency that specifies the

7 (A) date of execution of the legal instrument and the  
8 date of its termination, if any;

9 (B) name and address of the permittee or contractor;

10 (C) locale or area by legal description where the  
11 timber products were harvested;

12 (D) estimated amount, volume, species, and class of  
13 timber products authorized to be cut and removed;

14 (E) name of the purchaser of the timber products if it  
15 is different from the permittee or contractor;

16 (2) a bill of sale showing title to the timber products  
17 that specifies the

18 (A) date of execution of the bill of sale;

19 (B) name and address of the seller or donor of the  
20 timber products;

21 (C) name and address of the purchaser or donee of the  
22 timber products;

23 (D) number or volume and species and class of the  
24 timber products sold or transferred by the bill of sale;

25 (E) property location by legal description, mile post,  
26 or legal address from which the timber products were cut and  
27 removed.

28 (b) It is a defense to a prosecution under (a) of this section  
29 that the transportation of timber products

- 1                   (1) involved sawdust or bark;
- 2                   (2) was done by the owner or the agent of the owner of the
- 3 land from which the timber products were taken;
- 4                   (3) involved not more than two coniferous trees cut for
- 5 personal use with limbs attached, if neither tree exceeds 10 feet in
- 6 height and if neither trunk exceeds 14 inches in circumference at its
- 7 thickest part; or
- 8                   (4) involved trees in the course of their transplantation
- 9 with their roots intact.