
**Agriculture & Natural Resources
Committee**

HB 1137

Brief Description: Protecting landowners' investments in Christmas trees.

Sponsors: Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, VanDeWege, Sullivan and Herrera.

Brief Summary of Bill

- Removes the provision that allows a victim of Christmas tree theft to only recover up to \$3 in damages.
- Includes Christmas trees in other existing provisions that assign penalties for tree theft.

Hearing Date: 1/22/09

Staff: Anna Jackson (786-7190)

Background:

Currently an individual or the state may only recover \$1 for the cutting, breaking, or removal of a Christmas tree from his/her private property or from public lands. If it is necessary to file a civil suit to recover the value of the tree or trees, the plaintiff may recover treble (triple) damages on the basis of \$3 per tree [RCW 79.02.340].

For other timber, however, the plaintiff may recover triple the value of the tree or timber cut, injured, or removed from the plaintiff's land [RCW 64.12.030, 79.02.320]. In addition, a person is guilty of theft if he/she intentionally trespasses on public lands of the state and cuts down, destroys, injures, or removes any tree, timber, or wood growing or lying on the land [RCW 79.02.310].

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The provision that allows victims of Christmas tree theft to recover \$1 upon demand or \$3 if it is necessary to file a civil suit to recover the value of the tree or trees is removed.

Christmas trees are included in existing tree theft statutes that permit a plaintiff to recover treble damages in a civil lawsuit when a person unlawfully cuts down, removes, or injures a tree or timber from the plaintiff's land. In addition, Christmas trees are included in an existing provision that makes it a crime to cut down, destroy, or injure any timber standing or growing on public lands of the state.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.