

# FINAL BILL REPORT

## HB 1137

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**C 349 L 09**  
Synopsis as Enacted

**Brief Description:** Protecting landowners' investments in Christmas trees.

**Sponsors:** Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, Van De Wege, Sullivan and Herrera.

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Agriculture & Rural Economic Development**

### **Background:**

An individual or the state may only recover \$1 for the cutting, breaking, or removal of a Christmas tree from his or 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.

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. In addition, a person is guilty of theft if he or 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.

### **Summary:**

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.

### **Votes on Final Passage:**

House	97	0	
Senate	44	0	(Senate amended)

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*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.*

House 97 0 (House concurred)

**Effective:** July 26, 2009