



CHAPTER 14

ARTICLE 22 - DAMAGES AND OTHER OFFENSES TO LAND AND FIXTURES

N.C.G.S. § 14-135.

Larceny of timber.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-63, s. 11(a) — ninth act in the lineage	RETRIEVED 21 September 2026, 04:17 UTC	SOURCE FINGERPRINT fdd759799ef427791f7c2930 - de50075eb42f014a644866ec - 98d8aac37c648507
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§ 14-135(a)

Offense. - Except as otherwise provided in subsection (b) of this section, a person commits the offense of larceny of timber if the person does any of the following:

- (1) Knowingly and willfully cuts down, injures, or removes any timber owned by another person, without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.
- (2) Buys timber directly from the owner of the timber and fails to make payment in full to the owner by (i) the date specified in the written timber sales agreement or (ii) if there is no such agreement, 60 days from the date that the buyer removes the timber from the property.
- (3) Knowingly and willfully aids, hires, or counsels an individual to cut down, injure, or remove any timber owned by another person without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.
- (4) Knowingly and willfully transports forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.

§ 14-135(b)

Exceptions. - The following are exceptions to the offense set forth in subsection (a) of this section:

(1) A person is not guilty of an offense under subdivision (1) of subsection (a) of this section if the person is an employee or agent of an electric power supplier, as defined in G.S. 62-133.8, and either of the following conditions is met:

a. The person believed in good faith that consent of the owner had been obtained prior to cutting down, injuring, or removing the timber.

b. The person believed in good faith that the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard. For purposes of this subsection, the term "tree hazard" includes a dead or dying tree, dead parts of a living tree, or an unstable living tree that is within striking distance of an electric transmission line, electric distribution line, or electric equipment and constitutes a hazard to the line or equipment in the event of a tree failure.

(2) A person is not guilty of an offense under subdivision (2) of subsection (a) of this section if either of the following conditions is met:

a. The person remitted payment in full within the time period set in subdivision (2) of subsection (a) of this section to a person he or she believed in good faith to be the rightful owner of the timber.

b. The person remitted payment in full to the owner of the timber within the 10-day period set forth in subsection (c) of this section.

(3) A person is not guilty of an offense under subdivision (3) of subsection (a) of this section if the person is an electric power supplier, as defined in G.S. 62-133.8, and either of the following conditions is met:

a. The person believed in good faith that consent of the owner had been obtained prior to aiding, hiring, or counseling the individual to cut down, injure, or remove the timber.

b. The person believed in good faith that the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard.

§ 14-135(c)

PRIMA FACIE EVIDENCE

Prima Facie Evidence. - An owner of timber who does not receive payment in full within the time period set in subdivision (2) of subsection (a) of this section may notify the timber buyer in writing of the owner's demand for payment at the timber buyer's last known address by certified mail or by personal delivery. The timber buyer's failure to make payment in full within 10 days after the mailing or personal delivery authorized under this subsection shall constitute prima facie evidence of the timber

buyer's intent to commit an offense under subdivision (2) of subsection (a) of this section.

§ 14-135(d)

CLASS G FELONY

Penalty; Restitution. - A person who commits an offense under subsection (a) of this section is guilty of a Class G felony. Additionally, a defendant convicted of an offense under subsection (a) of this section shall be ordered to make restitution to the timber owner in an amount equal to either of the following:

- (1) Three times the value of the timber cut down, injured, or removed in violation of subdivision (1) of subsection (a) of this section.
- (2) Three times the value of the timber bought but not paid for in violation of subdivision (2) of subsection (a) of this section.

Restitution shall also include the cost incurred by the owner to determine the value of the timber. For purposes of subdivisions (1) and (2) of this subsection, "value of the timber" shall be based on the stumpage rate of the timber.

§ 14-135(e)

Civil Remedies. - Nothing in this section shall affect any civil remedies available for a violation of subsection (a) of this section.

§ 14-135(f)

For purposes of this section, "person" means any individual, association, consortium, corporation, partnership, unit of State or local government, or other group, entity, or organization.

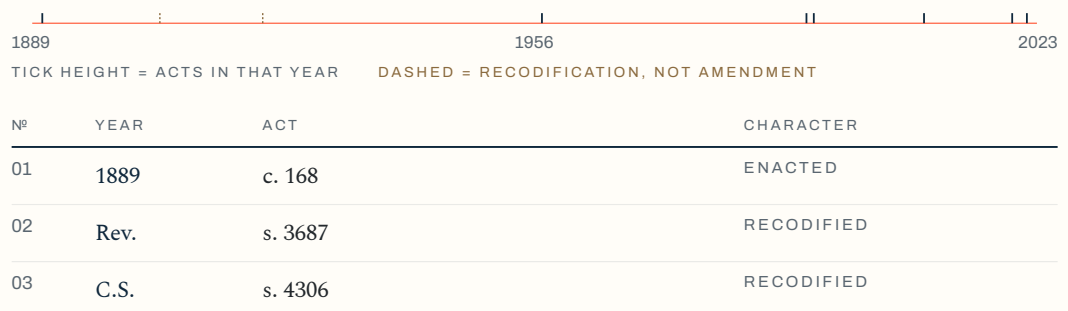
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



04	1957	c. 1437, s. 1	AMENDED
05	1993	c. 539, s. 77	AMENDED
06	1994	Ex. Sess., c. 24, s. 14(c)	AMENDED
07	2009	S.L. 2009-508, s. 1	AMENDED
08	2021	S.L. 2021-78, s. 5(a)	AMENDED
09	2023	S.L. 2023-63, s. 11(a)	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 62-133.8	(b)(1)	"electric power supplier, as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 14-135 (2023).

PINPOINT

N.C. Gen. Stat. § 14-135(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1889, c. 168; Rev., s. 3687; C.S., s. 4306; 1957, c. 1437, s. 1; 1993, c. 539, s. 77; 1994, Ex. Sess., c. 24, s. 14(c); 2009-508, s. 1; 2021-78, s. 5(a); 2023-63, s. 11(a).)

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