

1 HB175
2 115909-1
3 By Representative Newton (C)
4 RFD: Agriculture and Forestry
5 First Read: 12-JAN-10

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8 SYNOPSIS: Existing law requires a law enforcement
9 officer to seize motor vehicles and other equipment
10 in the possession of a person charged with a felony
11 offense involving the theft of timber or lumber and
12 to deliver the items seized to the district
13 forester of the district where the arrest was made.

14 This bill would require law enforcement
15 officers to seize motor vehicles and other
16 equipment of a person charged with any felony
17 offense involving theft of timber or timber
18 harvesting equipment or any part or parts from
19 timber harvesting equipment or for any felony
20 involving unauthorized harvesting, removal,
21 transportation, or disposal of forest products.

22 This bill would require the law enforcement
23 officer to deliver seized items to the regional
24 forester of the forestry region where the arrest
25 was made.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 To amend Sections 9-13-221, 9-13-222, and 9-13-223,
5 Code of Alabama 1975, relating to certain crimes of theft of
6 timber and timber harvesting equipment and the parts thereof
7 and related offenses; to provide further for the types of
8 offenses for which a law enforcement officer may seize motor
9 vehicles and other equipment; and to provide for delivery of
10 the equipment to the regional forester of the forestry region
11 where the arrest was made.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 9-13-221, 9-13-222, and
14 9-13-223, Code of Alabama 1975, are amended to read as
15 follows:

16 "§9-13-221.

17 "It shall be the duty of any sheriff, policeman,
18 forestry officer, or other peace officer or law enforcement
19 officer in the State of Alabama, arresting any person who is
20 charged with violating or attempting to violate Section
21 9-13-60 or any felony ~~theft~~ laws of the State of Alabama,
22 ~~wherein timber or lumber are items stolen~~ involving timber or
23 forest products or transactions pertaining thereto, to seize
24 any vehicle and equipment used, which is in the possession or
25 under control of the person or persons charged with violating
26 ~~said the~~ laws, and to deliver any such seized vehicle and
27 equipment, to the ~~district forester~~ (employed by the Alabama

1 ~~Forestry Commission) of the forestry district~~ regional
2 forester of the forestry region in which the arrest is made.
3 The person receiving any vehicle and equipment from the
4 arresting officer shall keep it in a safe place and in as good
5 condition as when received, until disposed of as hereinafter
6 provided. The seizure of vehicles and equipment provided in
7 this section is authorized only when the arrest is for a crime
8 involving the theft of timber harvesting equipment or the
9 parts thereof, the harvesting, removal, transportation, or
10 disposal of any forest products, or any other transactions
11 related to forest products or timber harvesting equipment or
12 any part or parts from timber harvesting equipment.

13 "§9-13-222.

14 "Within five days after the arrest of any person for
15 violating Section 9-13-60 or any ~~of such~~ felony ~~theft~~ laws of
16 the State of Alabama outlined in this article, the person
17 receiving possession of any vehicle and equipment, seized as
18 aforesaid, shall report the seizure and detention of ~~said~~ the
19 vehicle and equipment to the district attorney or other
20 prosecuting official, giving a full description of such
21 vehicle and equipment, any identification number, make and
22 model thereof, the name of the person in whose possession it
23 was found when seized, the person, if any, making claim to
24 same or any interest therein if the name can be ascertained or
25 is known, and the date and place of ~~such~~ the seizure and a
26 statement of the circumstances surrounding the seizing of the
27 property.

1 "§9-13-223.

2 "Within five days after the final conviction of any
3 person for violating Section 9-13-60 or any ~~of such~~ felony
4 ~~theft~~ laws of the State of Alabama ~~wherein timber or lumber~~
5 ~~were items stolen, or intended to be stolen,~~ involving timber
6 or forest products or transactions pertaining thereto, the
7 person receiving possession of any vehicle and equipment,
8 seized as aforesaid, shall report the seizure and detention of
9 ~~said~~ the vehicle and equipment to the district attorney or
10 other prosecuting official, giving a full description of such
11 vehicle and equipment, any identification number, make and
12 model thereof, the name of the person in whose possession it
13 was found when seized, the person, if any, making claim to
14 same or any interest therein if the name can be ascertained or
15 is known, and the date and place of such seizure and a
16 statement of the circumstances surrounding the seizing of the
17 property."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.