

No. 51

AN ACT

HB 333

Amending the act of June 24, 1939 (P.L.872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing the penalty for felling or converting trees.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 935, act of June 24, 1939 (P.L.872), known as "The Penal Code," is amended to read:

Section 935. Felling or Converting Trees; Penalty; Right To Retake.—Whoever wilfully, negligently, or maliciously cuts down or fells or employs any person to cut down or fell, a tree or trees growing upon the land of another, without the consent of the owner, shall be liable to pay to the owner double the value of such trees so cut down or felled, and in case of the removal from the land where grown, and the conversion thereof, treble the value, to be recovered in an appropriate action, with costs of suit.

No prosecution under any other section of this act shall be a bar to the recovery of damages under this section.

In addition to the remedy for recovery of damages herein provided, the owner of such trees may follow the same and retake them from the possession of any person, and wheresoever they may be identified and found; as well as, in the same manner, retake all material into which said trees may have been converted, wherever the same may be identified and found, and without any liability on the part of said owner for the retaking of his own property and restoring the same to his own possession.

Whoever, being in possession of such trees or materials, refuses to surrender or deliver the same to the owner thereof, after due proof of ownership has been made, **[is guilty of a misdemeanor, and upon conviction thereof,]** shall, *upon summary conviction thereof*, be sentenced to pay a fine not exceeding five hundred dollars (\$500), or be imprisoned not exceeding three (3) months, or both.

APPROVED—The 23rd day of July, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 51.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.