

## **TRESPASS, DAMAGES, AND THEFT LAWS**

**5524**

(No. 6 January 1999)

PC Sections 602a and 602b recognize the cutting or removing of wood or timber without permission of the owner as trespass.

CC Section 3346 and CCP Section 733 authorize triple damages, except under certain conditions when single or double damages, depending on the circumstances, are allowed for injury or removal of trees without permission of owners.

PC Sections 487b and 487c recognize the conversion of real estate into personal property by severance from the realty of another as theft. Trees and timber are considered to be real estate before severance, and personal property after cutting.

The department has specific responsibilities to enforce the trespass, damages, and theft laws for protection of property, including Christmas trees, under its jurisdiction. The use of patrols in the normal course of business can be an effective deterrent. The primary responsibility for proper custody of other public and private property, and the enforcement of trespass and related laws should rest with the owner and local peace officers. However, CDF personnel have a responsibility to report or apprehend persons illegally cutting or removing Christmas trees when they are encountered, as appropriate under the circumstances, considering personal safety and authority to act. Apprehension or arrest should be made by a CDF peace officer only when he/she judges he/she has the capability and authority under the given circumstances.

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