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## **OLR Bill Analysis**

### **sHB 5400**

#### ***AN ACT CONCERNING THE PRESERVATION OF STONE WALLS IN THE STATE.***

#### **SUMMARY**

This bill authorizes specific remedies for property owners when someone dismantles or steals stones from their stone walls.

Under the bill, a person is subject to a fine of up to \$500 or imprisonment of up to six months for taking either of the following actions, which the bill specifically prohibits: (1) dismantling a stone wall without the written permission of the wall's owner or (2) stealing a stone from a stone wall.

The bill allows the court, for anyone who is found or pleads guilty, to order restitution as a part of his or her sentence. Restitution includes paying the value of the dismantled stone wall or stolen stones, the reasonable cost of labor and materials to repair the wall to its original condition, and other reasonable expenses the court determines necessary.

Additionally, under the bill, anyone who is found or pleads guilty is civilly liable to the wall's owner for the cost to repair the wall or replace stones and any other compensable damages. It also authorizes the court to award damages to the wall's owner of up to five times the cost of restoring the wall, capped at \$10,000. In determining the damage award, the court must consider the willfulness of the violation, extent of damage done, appraised value of any stones damaged or stolen, economic gain realized by the defendant, and any other factors the court deems necessary.

The bill defines a "stone wall" as a vertical structure of aligned natural stone typically arranged with a stone coursing pattern that uses

consistent stone type, joint width, construction, and distribution of stones by size.

EFFECTIVE DATE: October 1, 2023

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/10/2023)