
OLR Bill Analysis

sHB 5400

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

SUMMARY

This bill creates a new criminal penalty for stealing stones from a stone wall or intentionally dismantling a stone wall without permission.

Specifically, under the bill, a person is guilty of a class D misdemeanor for taking either of the following actions, which the bill specifically prohibits: (1) stealing a stone from a stone wall or (2) intentionally dismantling a stone wall without permission from the wall's owner or owners. (When a stone wall is on, or forms the boundary between, two parcels of land, the owners of both parcels are considered the wall's owners.) A class D misdemeanor is punishable by a fine of up to \$250, imprisonment for up to 30 days, or both.

The bill allows the court to order restitution as a part of the sentence for anyone who is found or pleads guilty. 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.

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

BACKGROUND

Legislative History

The House referred the bill (File 262) to the Judiciary Committee,

which reported a substitute that reduces the criminal penalty from a fine of up to \$500 or up to six months imprisonment to a class D misdemeanor. It also (1) removes additional civil liability remedies; (2) specifies that dismantling a stone wall must be done intentionally to be criminal; (3) eliminates a requirement that permission to dismantle a wall be in writing; and (4) specifies that a wall may have more than one owner if it sits on, or forms a boundary between, two parcels.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/10/2023)

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (04/19/2023)