



House of Representatives

General Assembly

File No. 262

January Session, 2023

Substitute House Bill No. 5400

House of Representatives, March 28, 2023

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) (1) No person shall
2 dismantle a stone wall without the written authorization of the owner
3 of such stone wall to dismantle such stone wall.

4 (2) No person shall steal any stone from a stone wall.

5 (3) For purposes of this section, "stone wall" means a vertical
6 structure of aligned natural stone customarily arranged with a stone
7 coursing pattern that is marked by the utilization of consistent stone
8 type, joint width, construction and the distribution of stones by size.

9 (b) Any person who violates the provisions of subsection (a) of this
10 section shall be fined not more than five hundred dollars or imprisoned
11 not more than six months. Any person who is found guilty or pleads
12 guilty to a violation of subsection (a) of this section may be ordered to

13 make restitution to the owner of such stone wall as a part of such
 14 person's sentence or disposition. Any such restitution shall include, but
 15 not be limited to, the value of the dismantled stone wall, portion thereof
 16 or any such stolen stones, as applicable, the reasonable value of any
 17 labor and other materials necessary to repair or return such wall to the
 18 condition such wall was in prior to the dismantling or theft, as
 19 applicable, and any other reasonable expenses that, in the discretion of
 20 the court, are necessary to do justice in disposing of the case.

21 (c) Any person found guilty or who pleads guilty to a violation of
 22 subsection (a) of this section shall be civilly liable to the owner of such
 23 stone wall for the cost of repairing such stone wall or replacing the
 24 stones, as applicable, and any other compensable damages related to
 25 such violation. Additionally, in any such civil action, the court may
 26 award damages to the owner of such stone wall of up to five times the
 27 cost of restoration of the stone wall provided such award may not
 28 exceed ten thousand dollars. In determining the amount of any such
 29 award, the court shall consider the wilful nature of the violation, the
 30 extent of damage to the stone wall, the appraised value of any stones
 31 damaged or stolen and any economic gain realized by the defendant
 32 and any other factors that the court deems relevant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new criminal charge for stealing stone(s) from a stonewall or dismantling a stone wall without written consent which results in a potential cost to the Department of Correction and Judicial Department and a potential revenue gain from fines. On average, the cost for supervision in the community is less than \$800¹ each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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)