



House of Representatives

General Assembly

File No. 708

January Session, 2023

Substitute House Bill No. 5400

House of Representatives, May 4, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th 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 intentionally dismantle a stone wall without authorization of the owner
3 or owners of such stone wall to dismantle such stone wall. For purposes
4 of this section, if a stone wall sits upon or forms a boundary line between
5 parcels of land, the owners of each parcel shall be considered the owners
6 of such stone wall.

7 (2) No person shall steal stones from a stone wall.

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

12 (b) Any person who violates the provisions of subsection (a) of this

13 section shall be guilty of a class D misdemeanor. Any person who is
 14 found guilty or pleads guilty to a violation of subsection (a) of this
 15 section may be ordered to make restitution to the owner or owners of
 16 such stone wall as a part of such person's sentence or disposition. Any
 17 such restitution may include, but need not be limited to, the value of the
 18 dismantled stone wall, portion thereof or any such stolen stones, as
 19 applicable, the reasonable value of any labor and other materials
 20 necessary to repair or return such wall to the condition such wall was in
 21 prior to the dismantling or theft, as applicable, and any other reasonable
 22 expenses that, in the discretion of the court, are necessary to do justice
 23 in disposing of the case.

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

JUD *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 \$
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 class D misdemeanor for stealing stone(s) from a stonewall or dismantling a stone wall without written consent which results in a potential cost to the 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 the number of offenses.

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 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)