



General Assembly

Substitute Bill No. 5400

January Session, 2023



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
11 imprisoned not more than six months. Any person who is found guilty
12 or pleads guilty to a violation of subsection (a) of this section may be
13 ordered to make restitution to the owner of such stone wall as a part of
14 such person's sentence or disposition. Any such restitution shall
15 include, but not be limited to, the value of the dismantled stone wall,
16 portion thereof or any such stolen stones, as applicable, the reasonable
17 value of any labor and other materials necessary to repair or return
18 such wall to the condition such wall was in prior to the dismantling or

19 theft, as applicable, and any other reasonable expenses that, in the
20 discretion of the court, are necessary to do justice in disposing of the
21 case.

22 (c) Any person found guilty or who pleads guilty to a violation of
23 subsection (a) of this section shall be civilly liable to the owner of such
24 stone wall for the cost of repairing such stone wall or replacing the
25 stones, as applicable, and any other compensable damages related to
26 such violation. Additionally, in any such civil action, the court may
27 award damages to the owner of such stone wall of up to five times the
28 cost of restoration of the stone wall provided such award may not
29 exceed ten thousand dollars. In determining the amount of any such
30 award, the court shall consider the wilful nature of the violation, the
31 extent of damage to the stone wall, the appraised value of any stones
32 damaged or stolen and any economic gain realized by the defendant
33 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.*