

Act 58 of 1967

AN ACT FOR THE PROTECTION AND PRESERVATION OF ARKANSAS' ARCHEOLOGICAL HERITAGE, ITS ANTIQUITIES, ARTIFACTS AND SITES, AND FOR OTHER PURPOSES.

WHEREAS, the public has an interest in preservation of all antiquities, historic ruins, sites, artifacts, and similar places and things for their scientific and historical information and value; and

WHEREAS, the public has a right to the knowledge to be derived and gained from a scientific study of these materials; and

WHEREAS, the most recent past has seen the neglect, desecration and destruction of sites and the removal without adequate records of archeological objects and artifacts with a resulting loss to our people of knowledge concerning their heritage; and

WHEREAS, prehistoric and historic remains, sites, and objects of antiquity are rightfully and properly the subject of coordinated and organized activities exercised on behalf of the general welfare of the public as a whole in order that they may be preserved, studied, exhibited, and evaluated;

NOW, THEREFORE

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. Definitions: As used in this act, the words hereinafter set forth shall be defined as follows:

A. Artifacts: All relics, specimens, or objects of an historical, prehistorical, archeological or anthropological nature, which may be found above or below the surface of the earth, and which have scientific or historic value as objects of antiquity, as aboriginal relics, or as archeological specimens.

B. Site: All aboriginal mounds, forts, earthworks, village locations, burial grounds, historic or prehistoric ruins, mines or caves, which are or may be the source of artifacts; or any place where individual artifacts, defined herein, may be found.

C. Field Archeology: The study of the traces of human culture at any land or water site by means of surveying, digging, sampling, excavation, or removing sub-surface objects, or going on a site with that intent.

SECTION 2. Legislative Intent: The State of Arkansas reserves to itself the exclusive right and privilege of field archeology on sites owned or controlled by the State, its agencies, departments, and institutions, in order to protect and preserve archeological and scientific information, matter, and objects. All such information and objects deriving from State lands

shall be utilized solely for scientific or public education purposes and shall remain the property of the State.

It is a declaration and statement of legislative intent that field archeology on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this Act; and persons having knowledge of the location of archeological sites are encourage to communicate such information to the Arkansas Archeological Survey.

SECTION 3. Cooperation by State Agencies and Other Governmental Subdivisions: All State agencies, departments, institutions, and commissions, as well as all counties and municipalities, shall cooperate fully with the Arkansas Archeological Survey in the preservation, protection, excavation, and evaluation of artifacts and sites; and to that end, where any site or artifacts may be found or discovered on property owned or controlled by the State or by any county or municipality, the agency, bureau, commission, governmental subdivision, or county or municipality, having control over or owning such property or preparing to excavate or perform work upon such property or currently performing work of any type upon such property is urged to notify the Arkansas Archeological Survey of the discovery and location of such site or artifacts and shall cooperate to the fullest extent practicable with the Arkansas Archeological Survey to preserve and prevent the destruction of such site or artifacts and to allow the Arkansas Archeological Survey to assist in and effect the removal of such artifacts by means designed to preserve and permit the study and evaluation of such artifacts; and the provisions of this Act shall be made known to contractors by the State agencies doing the contracting.

SECTION 4. Landmarks: An archeological site of significance to the scientific study or public representation of Arkansas aboriginal past may be publicly designated by the Arkansas Archeological Survey as a "State Archeological Landmark" provided that no sites shall be so designated without the express written consent of the State agency having jurisdiction over the land in question or, if it is on privately owned land, of the owner thereof. Once so designated excavation for the purpose of recovery or the recovery of artifacts from such sites by persons other than the Arkansas Archeological Survey or their duly designated agents shall be a misdemeanor.

SECTION 5. Reservation from Sale of State Lands of Archeological Importance: Upon written notice to the Commissioner of State Lands given by the Arkansas Archeological Survey, the Commissioner of State Lands shall reserve from sale any State lands, including lands forfeited to the State for non-payment of taxes, on which sites or artifacts are located or may be found, as designated by the Arkansas Archeological Survey; provided, however, that the reservation of such lands from sale may be confined to the actual location of the site or artifacts. When such sites or artifacts have been explored, excavated or otherwise examined to the extent desired by the Arkansas Archeological Survey, said Survey shall then file with the Commissioner a statement releasing such lands and permitting the sale of same.

SECTION 6. Trespass: It shall be deemed an act of trespass and misdemeanor for any person, natural or corporate, to remove artifacts and antiquities of the kind described herein from the private land of any owner thereof without his permission being first obtained.

SECTION 7. Vandalism: In order that sites and artifacts on state owned or controlled land shall be protected for the benefit of the public, it is hereby made a misdemeanor for any person, natural or corporate, to write upon, carve upon, paint, deface, mutilate, destroy, or otherwise injure any objects of antiquity, artifacts, Indian painting, or sites and all such acts of vandalism shall be punished as misdemeanors according to the provisions of this Act.

SECTION 8. Violations: All acts expressly declared herein to be illegal, prohibited, or deemed misdemeanors shall, upon conviction of the person for engaging in the conduct thus prescribed, be punished as misdemeanors and the person guilty thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned in the city or county jail for not less than one month or more than six months or both. It is hereby made the duty of the Prosecuting Attorney for the district wherein the offense is committed to prosecute alleged offenders to the full extent of the law.

SECTION 9. Severability: If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application and to this end the provisions of this Act are declared to be severable.