

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 217 of the Regular Session

1 State of Arkansas As Engrossed: H1/22/07 H2/2/07 H2/8/07 S2/22/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1068

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5 By: Representative Ragland

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For An Act To Be Entitled

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AN ACT TO PROTECT ARCHEOLOGICAL SITES; TO

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INCREASE THE PENALTIES FOR DISTURBING

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ARCHEOLOGICAL SITES; AND FOR OTHER PURPOSES.

12

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Subtitle

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AN ACT TO PROTECT ARCHEOLOGICAL SITES

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AND TO INCREASE THE PENALTIES FOR

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DISTURBING ARCHEOLOGICAL SITES.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 13-6-302 is amended to read as follows:

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13-6-302. Definitions.

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As used in this subchapter:

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~~(1) "Artifacts" means all relics, specimens, or objects of an~~

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~~historical, prehistorical, archeological, or anthropological nature, which~~

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~~may be found above or below the surface of the earth and which have~~

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~~scientific or historic value as objects of antiquity, as aboriginal relics,~~

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~~or as archeological specimens;~~

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(1)(A) "Archeological site" means a location containing the

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physical remains of human life or human activities that are no less than one

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hundred (100) years old.

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(B) An archeological site may but need not contain

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pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or

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portions of structures, rock paintings, graves, and human skeletal remains.

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(C) "Archeological site" includes all aboriginal mounds,



1 forts, earthworks, village locations, burial grounds, historic or prehistoric
2 ruins, mines, or caves that are or may be the source of a significant amount
3 of artifacts;

4 (2) "Artifact" means a relic, specimen, or object of a
5 historical, prehistorical, archeological, or anthropological nature that:

6 (A) May be found above or below the surface of the earth;
7 and

8 (B) Has scientific or historic value as an object of
9 antiquity, as an aboriginal relic, or as an archeological specimen; and

10 ~~(2)(3)~~ "Field archeology" means the study of the traces of human
11 culture at any land or water site by means of surveying, digging, sampling,
12 excavating, or removing subsurface objects or going on a an archeological
13 site with that intent; and.

14 ~~(3)~~ "Site" means all aboriginal mounds, forts, earthworks,
15 village locations, burial grounds, historic or prehistoric ruins, mines, or
16 eaves, which are or may be the source of artifacts or any place where
17 individual artifacts defined in this section, may be found.

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19 SECTION 2. Arkansas Code § 13-6-303 is repealed.

20 ~~13-6-303. Penalties.~~

21 ~~(a)(1) All acts expressly declared in this subchapter to be illegal,~~
22 ~~prohibited, or deemed misdemeanors shall, upon conviction of the person for~~
23 ~~engaging in the conduct thus proscribed, be punished as misdemeanors.~~

24 ~~(2) The person guilty thereof shall be fined not less than fifty~~
25 ~~dollars (\$50.00) nor more than five hundred dollars (\$500) or imprisoned in~~
26 ~~the city or county jail for not less than one (1) month nor more than six (6)~~
27 ~~months, or both.~~

28 ~~(b) It is made the duty of the prosecuting attorney for the district~~
29 ~~wherein the offense is committed to prosecute alleged offenders to the full~~
30 ~~extent of the law.~~

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32 SECTION 3. Arkansas Code § 13-6-306 is amended to read as follows:

33 13-6-306. ~~Archeological~~ State archeological landmarks - Penalty for
34 disturbing.

35 (a)(1) An archeological site of significance to the scientific study
36 or public representation of Arkansas' aboriginal past may be publicly

1 designated by the Arkansas Archeological Survey as a "state archeological
2 landmark".

3 ~~(b)(2)~~ However, no sites shall be so designated without the express
4 written consent of the state agency having jurisdiction over the land in
5 question or, if it is on privately owned land, of the owner thereof.

6 ~~(e)(b)~~ ~~Once so designated,~~ When an archeological site has been
7 designated as a state archeological landmark, excavation for the purpose of
8 recovery or the recovery of one (1) or more artifacts from ~~such sites~~ the
9 state archeological landmark by ~~persons~~ a person other than the survey or its
10 duly designated ~~agents~~ agent ~~shall be~~ is a:

11 (1) misdemeanor Class D felony for the first offense and a Class
12 C felony for a subsequent offense if the value of the artifacts excavated or
13 recovered or the cost to restore or repair the damage to the archeological
14 site is greater than one thousand dollars (\$1,000); or

15 (2) Class B misdemeanor for the first offense and a Class A
16 misdemeanor for a subsequent offense if the value of the artifacts excavated
17 or recovered or the cost to restore or repair the damage to the archeological
18 site is one thousand dollars (\$1,000) or less.

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20 SECTION 4. Arkansas Code § 13-6-307 is amended to read as follows:

21 13-6-307. ~~Trespass.~~ Digging up or removing artifact without permission
22 - Penalty.

23 ~~(a)(1)~~ It ~~shall be deemed an act of trespass and a misdemeanor~~ is
24 unlawful for any person, natural or corporate, to ~~remove artifacts and~~
25 ~~antiquities~~ knowingly dig up an artifact ~~of the kind described in this~~
26 ~~subchapter~~ from the private land of ~~any~~ the owner ~~thereof~~ without ~~his~~
27 ~~permission being first obtained~~ obtaining the owner's permission.

28 (2) A violation of subdivision (a)(1) of this section is a:

29 (A) Class D felony for the first offense and a Class C
30 felony for a subsequent offense if the value of all artifacts dug up or the
31 cost to restore or repair the owner's property is greater than one thousand
32 dollars (\$1,000); or

33 (B) Class B misdemeanor for the first offense and a Class
34 A misdemeanor for a subsequent offense if the value of all artifacts dug up
35 or the cost to restore or repair the owner's property is one thousand dollars
36 (\$1,000) or less.

1 (b)(1) It is unlawful for any person, natural or corporate, to
2 knowingly remove an artifact from the private land of the owner without first
3 obtaining the owner's permission.

4 (2) A violation of subdivision (b)(1) of this section is a
5 Class C misdemeanor for the first offense and a Class B misdemeanor for a
6 subsequent offense.

7 SECTION 5. Arkansas Code § 13-6-308 is amended to read as follows:
8 13-6-308. Vandalism of archeological sites and artifacts – Penalty.

9 (a) In order that archeological sites and artifacts on state-owned or
10 controlled land shall be protected for the benefit of the public, ~~it is made~~
11 ~~a misdemeanor for any~~ no person, natural or corporate, ~~to~~ shall knowingly dig
12 up and remove, write upon, carve upon, paint, deface, mutilate, destroy, or
13 otherwise injure any ~~objects of antiquity, artifacts, Indian painting, or~~
14 sites artifact or archeological site.

15 (b) ~~All such acts of vandalism shall be punished as misdemeanors~~
16 ~~according to the provisions of this subchapter~~ A violation of this section is
17 a:

18 (1) Class D felony for the first offense and a Class C felony
19 for a subsequent offense if the value of all artifacts dug up and removed or
20 the cost to repair or restore the damage to the archeological site is greater
21 than one thousand dollars (\$1,000); or

22 (2) Class B misdemeanor for the first offense and a Class A
23 misdemeanor for a subsequent offense if the value of all artifacts dug up and
24 removed or the cost to repair or restore the damage to the archeological site
25 is one thousand dollars (\$1,000) or less.

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27 /s/ Ragland

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29 APPROVED: 3/6/2007