For An Act To Be Entitled

AN ACT TO PROTECT ARCHEOLOGICAL SITES; TO INCREASE THE PENALTIES FOR DISTURBING ARCHEOLOGICAL SITES; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROTECT ARCHEOLOGICAL SITES AND TO INCREASE THE PENALTIES FOR DISTURBING ARCHEOLOGICAL SITES.

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

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

13-6-302. Definitions.

As used in this subchapter:

(1) "Artifacts" means 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;

(1)(A) "Archeological site" means a location containing the physical remains of human life or human activities that are no less than one hundred (100) years old.

(B) An archeological site may but need not contain pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, rock paintings, graves, and human skeletal remains.

(C) "Archeological site" includes all aboriginal mounds,
forts, earthenworks, village locations, burial grounds, historic or prehistoric
ruins, mines, or caves that are or may be the source of a significant amount
of artifacts;

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

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

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

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

(3) "Site" means all aboriginal mounds, forts, earthenworks,
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 in this section, may be found.

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 Arkansas Code § 13-6-303 is repealed.

13-6-303. Penalties.

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

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

(b) It is 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 3. Arkansas Code § 13-6-306 is amended to read as follows:

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

(a)(1) 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".

(b) (2) However, 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.

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

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

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

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

13-6-307. Trespass. Digging up or removing artifact without permission — Penalty.

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

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

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

(B) Class B misdemeanor for the first offense and a Class A misdemeanor for a subsequent offense if the value of all artifacts dug up or the cost to restore or repair the owner’s property is one thousand dollars ($1,000) or less.
(b)(1) It is unlawful for any person, natural or corporate, to knowingly remove an artifact from the private land of the owner without first obtaining the owner's permission.

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

SECTION 5. Arkansas Code § 13-6-308 is amended to read as follows:

13-6-308. Vandalism of archeological sites and artifacts – Penalty.

(a) In order that archeological sites and artifacts on state-owned or controlled land shall be protected for the benefit of the public, it is made a misdemeanor for any person, natural or corporate, to knowingly dig up and remove, write upon, carve upon, paint, deface, mutilate, destroy, or otherwise injure any objects of antiquity, artifacts, Indian painting, or sites artifact or archeological site.

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

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

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

/s/ Ragland

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