

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1068

4
5 By: Representative Ragland
6
7

For An Act To Be Entitled

8
9 AN ACT TO PROTECT ARCHEOLOGICAL SITES; TO
10 INCREASE THE PENALTIES FOR DISTURBING
11 ARCHEOLOGICAL SITES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO PROTECT ARCHEOLOGICAL SITES
15 AND TO INCREASE THE PENALTIES FOR
16 DISTURBING ARCHEOLOGICAL SITES.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 13-6-302 is amended to read as follows:
22 13-6-302. Definitions.

23 As used in this subchapter:

24 ~~(1) "Artifacts" means all relics, specimens, or objects of an~~
25 ~~historical, prehistorical, archeological, or anthropological nature, which~~
26 ~~may be found above or below the surface of the earth and which have~~
27 ~~scientific or historic value as objects of antiquity, as aboriginal relics,~~
28 ~~or as archeological specimens;~~

29 (1)(A) "Archeological site" means a location containing the
30 physical remains of human life or human activities that are no less than
31 fifty (50) years old.

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

35 (C) "Archeological site" includes all aboriginal mounds,
36 forts, earthworks, village locations, burial grounds, historic or prehistoric



1 ruins, mines, or caves that are or may be the source of one (1) or more
2 artifacts;

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

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

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

9 ~~(2)(3)~~ "Field archeology" means the study of the traces of human
10 culture at any land or water site by means of surveying, digging, sampling,
11 excavating, or removing subsurface objects or going on a an archeological
12 site with that intent; ~~and.~~

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

17
18 SECTION 2. Arkansas Code § 13-6-303 is repealed.

19 ~~13-6-303. Penalties.~~

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

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

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

30
31 SECTION 3. Arkansas Code § 13-6-306 is amended to read as follows:

32 13-6-306. Archeological State archeological landmarks - Penalty for
33 disturbing.

34 (a)(1) An archeological site of significance to the scientific study
35 or public representation of Arkansas' aboriginal past may be publicly
36 designated by the Arkansas Archeological Survey as a "state archeological

1 landmark".

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

7 ~~Once so designated,~~ When an archeological site has been designated
 8 as a state archeological landmark, excavation for the purpose of recovery or
 9 the recovery of artifacts from ~~such sites~~ the state archeological landmark by
 10 ~~persons~~ a person other than the survey or its ~~duly~~ designated ~~agents~~ agent
 11 ~~shall be~~ is a ~~misdemeanor~~ Class D felony for the first offense and a Class C
 12 felony for a subsequent offense.

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

15 13-6-307. ~~Trespass.~~ Digging up or removing artifact without permission
 16 - Penalty.

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

22 ~~(b)~~ A violation of this section is a Class D felony for the first
 23 offense and a Class C felony for a subsequent offense.

24
 25 SECTION 5. Arkansas Code § 13-6-308 is amended to read as follows:

26 13-6-308. Vandalism of archeological sites and artifacts - Penalty.

27 ~~(a)~~ In order that archeological sites and artifacts on state-owned or
 28 controlled land shall be protected for the benefit of the public, ~~it is made~~
 29 ~~a misdemeanor for any~~ no person, natural or corporate, ~~to~~ shall knowingly
 30 write upon, carve upon, paint, deface, mutilate, destroy, or otherwise injure
 31 any ~~objects of antiquity, artifacts, Indian painting, or sites~~ artifact or
 32 archeological site.

33 ~~(b)~~ All such acts of vandalism shall be punished as misdemeanors
 34 ~~according to the provisions of this subchapter~~ A violation of this section is
 35 a Class D felony for the first offense and a Class C felony for a subsequent
 36 offense.