



Governor Mike Dunleavy
STATE OF ALASKA

March 10, 2022

The Honorable Louise Stutes
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Stutes:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to misconduct involving confidential information and the protection of state artifacts.

This bill amends the Alaska Historic Preservation Act and the Alaska criminal code to provide enhanced protections for historic artifacts through increased criminal penalties for violations of the Alaska Historic Preservation Act.

Though a young state in political terms, Alaska has a rich history that, if not properly attended and protected, will be lost to future generations. Our State's remote locations result in troves of historical materials being susceptible to removal outside of Alaska and away from the public. It is important to provide legal clarity and a deterrent for any activity that would illegally monetize the heritage or the people of this state.

Under the Alaska Historic Preservation Act currently, the word artifact is not defined. This bill defines artifact. This bill then correspondingly amends all of the Alaska Historic Preservation Act statutes to include the newly defined term artifact.

The bill's remaining amendments focus on criminal liability for offenses related to the newly defined term artifact.

The Alaska Historic Preservation Act currently limits criminal penalties to a Class A misdemeanor. Under this bill, depending on the value of the artifact, an individual could be guilty of either a Class B felony or a Class A misdemeanor. An individual will be guilty of a Class B felony where the artifact has a value of more than \$25,000. For that Class B felony, the

The Honorable Louise Stutes

March 10, 2022

Page 2 of 2

bill grants the sentencing court the discretion to impose a minimum \$25,000 fine as well as a fine up to three times the value of the artifact. As a Class B felony, a sentencing court will impose jail time as provided in Alaska's sentencing statutes under AS 12.55. If the artifact has a value less than \$25,000, the individual would be guilty of a Class A misdemeanor and a sentencing court could impose fines and jail time consistent with a Class A misdemeanor as provided in Alaska's sentencing statutes under AS 12.55.

Lastly, the bill amends the offense of "Misconduct involving confidential information in the first degree." This amendment makes it a criminal violation for an individual who obtains and uses confidential information to commit a crime under the Alaska Historic Preservation Act. Such a violation would be a Class A misdemeanor.

With this combination of providing a definition to such a broad word as artifact and empowering our legal system to protect these pieces of Alaska's history, we can further fulfill our obligation to future Alaskans by preserving the past of this land.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a stylized flourish extending from the end.

Mike Dunleavy
Governor

Enclosure