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Bullard  
4/25/22

**CS FOR SENATE BILL NO. 229(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

"An Act relating to historic, prehistoric, or archeological resources; relating to unlawful acts involving historic, prehistoric, or archeological resources; and providing for an effective date."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* **Section 1.** AS 41.35.200(a) is amended to read:

(a) A person may not, without obtaining a permit from the commissioner, intentionally [APPROPRIATE,] excavate, damage, deface [REMOVE], injure, or destroy [, WITHOUT A PERMIT FROM THE COMMISSIONER,] any historic, prehistoric, or archeological resources of the state.

\* **Sec. 2.** AS 41.35.200(b) is amended to read:

(b) A person may not possess with the intent to [,] sell, or offer to sell [BUY, OR TRANSPORT WITHIN THE STATE, OR OFFER TO SELL, BUY, OR TRANSPORT WITHIN THE STATE], historic, prehistoric, or archeological resources taken or acquired in violation of this section or 18 U.S.C. 1866(b) [16

U.S.C. 433].

\* **Sec. 3.** AS 41.35.200 is amended by adding new subsections to read:

(e) A person may not knowingly possess or remove a historic, prehistoric, or archaeological resource taken in violation of this chapter or 18 U.S.C. 1866(b).

(f) In this section, "knowingly" and "intentionally" have the meanings given in AS 11.81.900.

\* **Sec. 4.** AS 41.35.210 is amended to read:

**Sec. 41.35.210. Criminal penalties.** Except as provided in (b) of this section, a [A] person who violates [IS CONVICTED OF VIOLATING A PROVISION OF] AS 41.35.010 - 41.35.240 is guilty of a class A misdemeanor punishable as provided in AS 12.55.

\* **Sec. 5.** AS 41.35.210 is amended by adding new subsections to read:

(b) A person who violates AS 41.35.200(a) or (b) is guilty of a class C felony punishable as provided in AS 12.55.

(c) Unless otherwise provided, the mental states that must be proved for an offense under AS 41.35.010 - 41.35.240 are those described in AS 11.81.610(b).

\* **Sec. 6.** AS 41.35.215 is amended to read:

**Sec. 41.35.215. Civil penalties.** In addition to other penalties and remedies provided by law, a person who violates a provision of this chapter or a regulation adopted under this chapter, or who causes or permits a violation of this chapter or a regulation adopted under this chapter, [AS 41.35.010 - 41.35.240] is subject to  
(1) a maximum civil penalty of \$100,000 for each violation; and  
(2) restitution ordered by the court, including any cost incurred for remediation and restoration of an affected historic, prehistoric, or archeological resource.

\* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 41.35.200, as amended by secs. 1 - 3 of this Act, AS 41.35.210, as amended by secs. 4 and 5 of this Act, and AS 41.35.215, as amended by sec. 6 of this Act, apply to offenses committed on or after the effective date of this Act.

\* **Sec. 8.** This Act takes effect July 1, 2022.