

CULTURAL RESOURCE PROTECTION LAWS (CRIMINAL LAW)

Calif. Administrative Code, Title 14, Sec. 4307:

No person shall remove, injure, deface, or destroy any object of paleontological, archaeological, or historical interest or value.

Calif. Public Resources Code, Chapter 1.7, Sec. 5097.5

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds or archaeological site... Violation of this section is a misdemeanor.

Sec. 5097.98:

When notified of the discovery of human remains, the Native American Heritage Commission shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

Sec. 5097.99:

Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains which were taken from a Native American grave or cairn after January 1988, except as otherwise provided by law, is guilty of a felony.

Calif. Penal Code, Title 14, Part 1, Sec. 622.5:

Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

Calif. Health and Safety Code, Sec 7050.5:

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor (with some exceptions).

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance until the coroner has determined that the remains are not subject to investigation of death. The coroner shall make his or her determination within two working days.

If the coroner has reason to believe that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Sec. 8100:

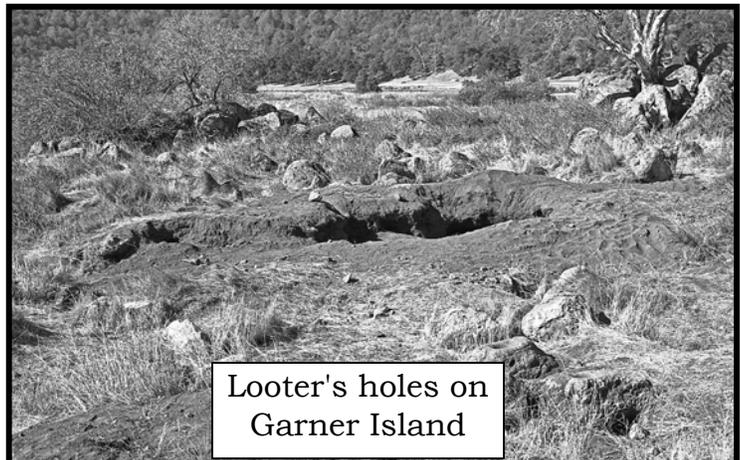
Six or more bodies buried at one place constitutes a cemetery. Sec. 7052 makes every person guilty of a felony who, without authority of law, mutilates, disinters, or removes from the place of interment any human remains.

Federal Archaeological Resources Protection Act of 1979, Sec. 6:

No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under Section 4.

No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands.

Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in this section shall, upon conviction, be fined not more than \$10,000 and/or imprisoned not more than one year. If the commercial or archaeological value of the resource involved and restoration exceeds \$5,000, then the fine shall not exceed \$20,000 and/or prison time of two years. Second or more violations have a fine not to exceed \$100,000 and/or prison time of five years.



Looter's holes on Garner Island



Looter's using placer mining technique to expose artifacts

