

SB 144 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Michael Lantz, LPRO Analyst

Meeting Dates: 4/4

WHAT THE MEASURE DOES:

Removes exemption for archeological objects unintentionally discovered on public lands. Requires district attorney to determine whether Indian tribes claim seized contraband and to notify Commission of Indian Services upon recovery.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Requires district attorney to give written notice to Attorney General if the district attorney declines to prosecute individual for unlawful excavation or removal of archeological objects. Grants Attorney General authority to prosecute for unlawful excavation or removal.

BACKGROUND:

ORS 358.915 allows individuals to take an unintentionally discovered archeological object from public lands or the individual's private property, so long as the object has been exposed by the forces of nature. Additionally, that archeological object must only be retained for personal use and cannot be a sacred object, human remains, funerary object, or object of cultural patrimony. Those objects are contraband. When contraband is seized, the district attorney for the county where the seizure occurred must investigate to determine whether any person claims the seized items.

Senate Bill 144 removes the current exemption for archeological objects unintentionally discovered on public lands. In addition, it requires the district attorney to determine whether an Indian tribe claims the seized items. Finally, it requires law enforcement to notify the Commission of Indian Services whenever contraband items are seized. The Commission must then designate any appropriate Indian tribe and give notice of the seizure to that tribe.