

Senate Bill 144

Sponsored by Senator FERRIOLI, Representative STARK, Senator ROBLAN, Representative MCKEOWN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies applicability of certain statutes to person who unintentionally discovers archeological object.

Requires law enforcement agency to provide notice of seizure of contraband items to Commission on Indian Services. Requires commission to provide notice to appropriate tribe.

A BILL FOR AN ACT

1
2 Relating to archaeological objects; amending ORS 358.915 and 358.924.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 358.915 is amended to read:

5 358.915. The provisions of ORS 192.005, 192.501 to 192.505, 273.990, 358.905 to 358.961 and
6 390.235 do not apply to a person who unintentionally discovers an archaeological object that has
7 been exposed by the forces of nature on [*public land or*] private property and retains the object for
8 personal use, except for sacred objects, human remains, funerary objects or objects of cultural
9 patrimony.

10 **SECTION 2.** ORS 358.924 is amended to read:

11 358.924. (1) Archaeological objects, funerary objects, human remains, sacred objects and objects
12 of cultural patrimony that are held in violation of the provisions of ORS 358.920 or 390.235 are
13 contraband. A police officer shall seize all items declared to be contraband under the provisions of
14 this section if the police officer has reasonable cause to believe the items are held in violation of
15 the provisions of ORS 358.920 or 390.235.

16 (2) A law enforcement agency employing a police officer who seizes contraband items under this
17 section shall give notice of the seizure to the district attorney for the county in which the items are
18 seized **and the Commission on Indian Services**. The district attorney shall promptly investigate
19 to determine whether any person **or Indian tribe** claims the items seized. **The commission shall**
20 **designate any appropriate Indian tribe and give notice to the tribe of the seizure.**

21 (3) If any person claims items seized under this section, the district attorney shall file a petition
22 with the circuit court for the county for an expedited hearing on the claim. The court shall conduct
23 a hearing for the sole purposes of determining:

24 (a) Whether the items are archaeological objects, funerary objects, human remains, sacred ob-
25 jects or objects of cultural patrimony;

26 (b) Whether any arrowheads seized under this section were collected in compliance with ORS
27 358.920 (1)(b); and

28 (c) Whether a person claiming an item other than an arrowhead can lawfully possess the item
29 under ORS 358.905 to 358.961.

30 (4) If items seized under this section are not claimed by any person, or the circuit court deter-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 mines that the items may not be returned to the claimant under the provisions of subsection (3) of
2 this section:

3 (a) Archaeological objects shall be delivered to the Oregon State Museum of Anthropology and
4 curated as described in ORS 358.920 (4)(a).

5 (b) Funerary objects, human remains, sacred objects and objects of cultural patrimony shall be
6 returned to the appropriate tribe for reinterment or other disposition as provided in ORS 358.940.

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