

20102911D

## HOUSE BILL NO. 668

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend and reenact § 10.1-2302 of the Code of Virginia, relating to field investigations permit; archaeologist qualifications.

Patrons—Mullin and Keam

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-2302 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2302. Permit required to conduct field investigations; ownership of objects of antiquity; penalty.**

A. ~~It shall be~~ is unlawful for any person to conduct any type of field investigation, exploration, or recovery operation involving the removal, destruction, or disturbance of any object of antiquity on state-controlled land, or on a state archaeological site or zone, without first receiving a permit from the Director.

B. The Director may issue a permit to conduct field investigations if the Director finds that it is in the best interest of the Commonwealth, and the applicant is a ~~historic, scientific, or educational institution, qualified~~ professional archaeologist ~~or amateur, who is qualified and recognized in the area of field investigations or archaeology~~ meets or exceeds the following standards:

1. Holds a graduate degree in archaeology, anthropology, or a closely related field;

2. Has at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;

3. Has at least four months of supervised field and analytic experience in general North American archaeology;

4. Has at least one year of full-time experience at a supervisory level in the study of archaeological resources of the prehistoric or historic period;

5. Has demonstrated an ability to carry research to completion;

6. Has demonstrated the knowledge, skills, and experience to complete the type of investigations proposed; and

7. Has an active membership in or affiliation with a recognized professional archaeological organization, such as the Register of Professional Archaeologists, the Council of Virginia Archaeologists, or a similar organization or institution with an established code of professional ethics and conduct and documented grievance procedures.

C. The permit shall require that all objects of antiquity that are recovered from state-controlled land shall be the exclusive property of the Commonwealth. Title to some or all objects of antiquity ~~which~~ that are discovered or removed from a state archaeological site not located on state-controlled land may be retained by the owner of such land. All objects of antiquity that are discovered or recovered on or from state-controlled land shall be retained by the Commonwealth, unless they are released to the applicant by the Director.

D. All field investigations, explorations, or recovery operations undertaken pursuant to a permit issued under this section shall be carried out under the general supervision of the Director and in a manner to ensure that the maximum amount of historic, scientific, archaeologic, and educational information may be recovered and preserved in addition to the physical recovery of objects.

E. If the field investigation described in the application is likely to interfere with the activity of any state agency, no permit shall be issued unless the applicant has secured the written approval of such agency.

F. Any person who violates the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

INTRODUCED

HB668