

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 59

An Act to amend and reenact §§ 10.1-2300 and 10.1-2306 of the Code of Virginia, relating to state archaeological sites; battlefields.

[H 2311]

Approved March 11, 2021

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2300 and 10.1-2306 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-2300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Battlefield preservation organization" means a private nonprofit organization whose primary purpose is the preservation of one or more historical battlefields, including a battlefield property as defined in § 10.1-2200.

"Field investigation" means the study of the traces of human culture at any site by means of surveying, sampling, excavating, or removing surface or subsurface material, or going on a site with that intent.

"Field supervisor" means a person who is physically present at least 70 percent of the time during a field investigation, exploration, or recovery operation involving the removal, destruction, or disturbance of any object of antiquity and who directly oversees such field investigation, exploration, or recovery operation.

"Object of antiquity" means any relic, artifact, remain, including human skeletal remains, specimen, or other archaeological article that may be found on, in, or below the surface of the earth ~~which~~ that has historic, scientific, archaeological, or educational value.

"Person" means any natural individual, partnership, association, corporation, or other legal entity.

"Site" means a geographical area on dry land that contains any evidence of human activity ~~which~~ that is or may be the source of important historic, scientific, archaeological, or educational data or objects.

"State archaeological site" means an area designated by the Department in which it is reasonable to expect to find objects of antiquity.

"State archaeological zone" means an interrelated grouping of state archaeological sites.

"State archaeologist" means the individual designated pursuant to § 10.1-2301.

"State-controlled land" means any land owned by the Commonwealth or under the primary administrative jurisdiction of any state agency. "State agency" shall not mean any ~~county, city or town, locality~~ or any board or authority organized under state law to perform local or regional functions. ~~Such~~ "State-controlled land" includes ~~but is not limited to~~ state parks, state wildlife areas, state recreation areas, highway rights-of-way, and state-owned easements.

§ 10.1-2306. Violations; penalty.

A. It ~~shall be~~ is unlawful to intentionally deface, damage, destroy, displace, disturb, or remove any object of antiquity on any designated state archaeological site ~~or~~, state-controlled land, ~~or land owned by a battlefield preservation organization or on which such organization holds an easement.~~

Any person who violates B. A violation of this section ~~shall be guilty of~~ is a Class 1 misdemeanor.