

75-2748. Prohibited acts; criminal and civil penalties. (a) On and after January 1, 1990, no person shall, unless such person holds a permit issued by the board to do so or is exempt pursuant to subsection (b):

- (1) Willfully disturb an unmarked burial site;
- (2) knowingly possess human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains;
- (3) display human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains;
- (4) sell, trade or give away human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains; or
- (5) throw away or discard human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains.

(b) Subsection (a)(2) shall not apply to possession of human skeletal remains or burial goods by the state historical society or institutions of higher education represented on the Kansas antiquities commission pursuant to K.S.A. 74-5402, and amendments thereto, but the board, in consultation with interested parties, shall review the collections of such society and institutions and report to the legislature on or before January 13, 1992, any recommendations it has concerning human skeletal remains and burial goods which are part of such collections and are from unmarked burial sites. Subsections (a)(1) through (5) shall not apply to:

- (1) Disinterment, possession, display, transfer, reinterment or disposition of human skeletal remains, or goods interred with such remains, which are determined by a coroner to be remains described by K.S.A. 22a-231, and amendments thereto; and
 - (2) private collections of burial goods acquired prior to January 1, 1990.
- (c) Violation of this section is a crime punishable:

- (1) Upon conviction of a first offense, by a fine of not more than \$10,000, if the commercial and archeological value of the remains and goods involved and all costs related to their restoration and repair is \$5,000 or less;
- (2) upon conviction of a first offense, by a fine of not more than \$20,000, if the commercial and archeological value of the remains and goods involved and all costs related to their restoration and repair is more than \$5,000; and
- (3) upon conviction of the second or a subsequent offense, by a fine of not more than \$100,000.

(d) In addition to or in lieu of any penalty imposed pursuant to subsection (c), the board, upon a finding that a person has violated any provision of this section or any term of a permit issued under this act, may impose on such person a civil fine of not more than \$2,000 for each violation. Imposition of any such fine shall be only upon notice and a hearing conducted in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

History: L. 1989, ch. 234, § 8; L. 2010, ch. 17, § 196; July 1.