

JAN 25 2006

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the native Hawaiian
2 culture is an important facet and integral component of our
3 collective state history. Because the pre-contact Hawaiians had
4 no written documents, their artifacts, antiquities, and material
5 culture are doubly precious as clues that provide important
6 insight to their daily lives and history. Native Hawaiian
7 antiquities have been increasingly looted from archeological and
8 cultural sites and are easily found on auction websites, thus
9 increasing their monetary value, desirability, and transfer out
10 of the State. Due to these various external factors, much of
11 the native Hawaiian material culture has been destroyed, traded,
12 sold, or lost, leaving fewer examples of these most precious
13 resources, which are important to the citizenry of this State
14 and especially important to native Hawaiian children as a legacy
15 and link to their past.

16 The legislature further finds that much of the material
17 culture of the native Hawaiian people, even utilitarian objects
18 used on a daily basis, hold much artistic and cultural



1 significance to modern-day descendants, having been produced by
2 often unparalleled skill and through laborious methods by the
3 hands of kupuna. These antiquities should not be classified as
4 abandoned or lost property, but held in trust by the State of
5 Hawaii for the descendants and people of Hawaii.

6 The purpose of this Act is to confine the sale of native
7 Hawaiian antiquities, found after the effective date of this
8 Act, exclusively to qualified museums and repositories.

9 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended
10 by adding two new sections to be appropriately designated and to
11 read as follows:

12 "§6E-A Sale of antiquities restricted. (a) No person may
13 sell or purchase any antiquity after the effective date of this
14 Act, except for sale to, or purchase by, a qualified museum.

15 (b) Any person selling or purchasing an antiquity in
16 violation of this section shall be subject to a civil fine equal
17 to the amount paid for the antiquity or \$10,000, whichever is
18 greater. The antiquity shall be forfeited to the State. The
19 attorney general shall enforce this section.

20 (c) Any person selling or purchasing an antiquity in
21 violation of this section shall be guilty of a:

1 of Hawaii, the Bishop Museum, and office of Hawaiian affairs,
2 which shall contain, at a minimum:

3 (1) The name, address, and phone number of the person who
4 owns the antiquity;

5 (2) A description of the antiquity, with a photograph; and

6 (3) The source and, if known, provenance of the item.

7 There shall be no charge for registering the antiquity.

8 (b) The state historic preservation officer shall widely
9 publicize the existence of the registry. Two years after the
10 effective date of this Act, all antiquities not registered shall
11 be presumed to have been obtained in violation of section 6E-A
12 and subject to the prohibition on sale in section 6E-A."

13 SECTION 3. In codifying the new sections added by section
14 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

By Request



SB 2419

Report Title:

Antiquities; Prohibited Transfer

Description:

Prohibits the sale of native Hawaiian antiquities except to qualified museums and repositories. Establishes civil and criminal penalties for selling or purchasing an antiquity in violation of the law. Establishes a registry of antiquities acquired before prohibition takes effect. Presumes unregistered antiquities were acquired in violation of prohibition.

