

HOUSE BILL NO. 585

INTRODUCED BY G. KIPP

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE SALE OR TRADE OF CULTURAL PATRIMONY AND SACRED OBJECTS; PROVIDING DEFINITIONS; ESTABLISHING AN OBJECT AS AN OBJECT OF CULTURAL PATRIMONY OR A SACRED OBJECT; AND PROVIDING A PENALTY."

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

NEW SECTION. Section 1. Prohibition against sale or trade of cultural patrimony and sacred object. (1) A person may not buy, sell, exchange, distribute, market, or otherwise conduct a commercial transaction for a profit that involves a copy, duplicate, replica, or reproduction of an object of cultural patrimony or a sacred object.

(2) For purposes of [sections 1 through 3], the following definitions apply:

(a) "Cultural patrimony" means an object that has ongoing historical, traditional, or cultural importance central to an Indian tribe, group, or culture itself, rather than property owned by an individual Native American, and for which the duties as a caretaker are transferred through a ceremonial transfer.

(b) "Sacred object" means a specific ceremonial object that is necessary to traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents and that requires a ceremonial transfer to be transferred from one person to another.

NEW SECTION. Section 2. Establishing an object as cultural patrimony or sacred object. An object may be established as an object of cultural patrimony or a sacred object by obtaining evidence of the history and nature of the object from:

(1) an Indian tribe or group that can show that the object of cultural patrimony was owned or controlled by the tribe or group;

(2) a direct lineal descendant of an individual who owned the sacred object;

(3) an Indian tribe or group that can show that the sacred object was owned or controlled by a member of that tribe or group; or

(4) an Indian tribe or group that can show that the object of cultural patrimony or the sacred object was

1 transferred through a ceremonial transfer.

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3 NEW SECTION. **Section 3. Criminal penalty.** A person who violates [section 1] is guilty of a
4 misdemeanor and upon conviction shall be fined an amount equal to the value of the copy, duplicate, replica, or
5 reproduction or be imprisoned in the county jail for not more than 6 months, or both.

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7 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a
8 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
9 Chippewa tribe.

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11 NEW SECTION. **Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified
12 as an integral part of Title 22, chapter 3, and the provisions of Title 22, chapter 3, apply to [sections 1 through 3].

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