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Code:  Section:

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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 7. DEAD BODIES [7000 - 8030]** ( *Division 7 enacted by Stats. 1939, Ch. 60.*  )

**PART 2. DISINTERMENT AND REMOVAL [7500 - 8030]** ( *Part 2 enacted by Stats. 1939, Ch. 60.*  )

**CHAPTER 5. California Native American Graves Protection and Repatriation [8010 - 8030]** ( *Chapter 5 added by Stats. 2001, Ch. 818, Sec. 1.*  )

**ARTICLE 4. Penalties and Enforcement Procedures [8029 - 8030]** ( *Article 4 added by Stats. 2001, Ch. 818, Sec. 1.*  )

**8029.** (a) Any agency or museum that fails to comply with the requirements of this chapter may be assessed a civil penalty by the commission, not to exceed twenty thousand dollars (\$20,000) for each violation, pursuant to regulations adopted by the commission. A penalty assessed under this section shall be determined on the record after the opportunity for a hearing.

(b) In assessing a penalty under this section, the commission shall consider the following factors, in addition to any other relevant factors, in determining the amount of the penalty:

- (1) The archaeological, historical, or commercial value of the item involved.
- (2) The cultural and spiritual significance of the item involved.
- (3) The damages suffered, both economic and noneconomic, by the aggrieved party.
- (4) The number of violations that have occurred.

(c) If any agency or museum fails to pay a civil penalty pursuant to a final order issued by the commission and the time for judicial review has passed or the party subject to the civil penalty has appealed the penalty or after a final judgment has been rendered on appeal of the order, the Attorney General shall act on behalf of the commission to institute a civil action in an appropriate court to collect the penalty.

(d) An agency or museum shall not be subject to civil penalties for actions taken in good faith to comply with the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).

(*Added by Stats. 2001, Ch. 818, Sec. 1. Effective January 1, 2002.*)

**8030.** The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(*Added by Stats. 2001, Ch. 818, Sec. 1. Effective January 1, 2002.*)