

(b) Cultural resources shall not be taken, damaged, destroyed, salvaged, excavated or otherwise altered without a prior permit obtained through the commission, which is designated as the official custodian of state cultural resources within the jurisdiction of the State of Alabama.

Section 5. (a) Any qualified individual, company, corporation or public institution desiring to conduct any type of major excavation of cultural resources shall make application to the commission for a permit to conduct the operation.

(b) The commission will issue permits to any experienced marine salvage individual, company, corporation, or public institution desiring to excavate and recover cultural resources.

(c) Permits are not necessary for hobbyists, recreational divers or recreational gold prospector to find or recover objects abandoned or thrown away underwater.

(d) Holders of permits shall be responsible for obtaining permission of any federal agencies having jurisdiction, including, but not limited to, the United States Department of the Navy and the United States Army Corps of Engineers, prior to conducting those activities.

Section 6. The commission may restrict, when necessary, the activities of commercial fishing vessels in or around known underwater cultural resources when the likelihood of damage to or any alterations of the cultural resources is deemed evident. The restricted area shall encompass only the immediate area of the resource so as not to unduly disrupt fishing operations.

Section 7. (a) A person commits the crime of theft or disturbance of a cultural resource protected by the commission if the person does either of the following:

(1) Intentionally and knowingly removes, alters, disturbs or destroys any cultural resource without the prior written authorization of the commission by permit.

(2) Knowingly buys, receives, conceals, aids in the concealment of, or possesses any illegally obtained cultural resources as defined in subsection (a).

(b) Intentional and knowing theft or disturbance of a cultural resource having a value of less than five thousand dollars (\$5,000) shall constitute a Class A misdemeanor and be punishable, upon conviction, as provided by law.

(c) Intentional and knowing theft or disturbance of a cultural resource having a value of five thousand dollars (\$5,000) or more shall constitute a Class C felony and shall be punishable, upon conviction, as provided by law.

Section 8. Notwithstanding any other provisions of this act to the contrary, any violation of this act caused by activities related to the exploration, excavation, or salvaging of cultural resources may be cured and any otherwise applicable crimes or penalties will no longer apply if the activities in violation of this act are halted as soon as practicable after notice from the commission and an application for any permit determined to be necessary is submitted to the commission.