**Section 4190.204 Civil Damages**

a) Generally. Persons convicted of a violation of Section 3 of the Act shall also be liable for civil damages to be assessed by the Department. Civil damages may include:

1) forfeiture of any and all equipment used in disturbing the protected archaeological or paleontological resources;

2) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;

3) any and all costs associated with restoring the land to its original contour or the site to its original condition;

4) the archaeological or paleontological value, the cost of restoration and repair, and any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the site;

5) any and all costs associated with the reinterment of human skeletal remains;

6) any and all costs associated with the determination and collection of the civil damages. (See Section 5(a) through (e) of the Act.)

b) Deposit of Penalty Amounts to Designated Funds. When civil damages are recovered through the Attorney General, the proceeds shall be deposited into the Historic Sites Fund. When civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board. (See Section 5 of the Act.)

c) Archaeological or Paleontological Value. For purposes of this Part, the archaeological or paleontological value of any material remains of past human life or activities, human remains, grave artifacts or grave markers, or the material remains of past life or traces involved in a violation of the prohibitions in the Act, this Part or conditions of a permit shall be the value of the information associated with the archaeological or paleontological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

d) Cost of Restoration and Repair. For purposes of this Part, the cost of restoration and repair of archaeological or paleontological resources, human remains, grave artifacts or grave markers damaged as a result of a violation of prohibitions or conditions pursuant to the Act or this Part, shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

1) Reconstruction of the archaeological or paleontological materials, human remains, grave artifacts or grave markers;

2) Stabilization and conservation of the archaeological or paleontological materials, human remains, grave artifacts or grave markers;

3) Ground contour reconstruction and surface stabilization;

4) Research necessary to carry out reconstruction or stabilization;

5) Physical barriers or other protective devices necessitated by the disturbance of archaeological or paleontological resources, human remains, grave artifacts or grave markers to protect them from further disturbance;

6) Examination and analysis of the archaeological or paleontological resources, human remains, grave artifacts or grave markers, including recording remaining archaeological or paleontological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;

7) Reinterment of human remains in accordance with religious or tribal custom and State or local tribal law, where appropriate as determined by the Agency; and

8) Preparation of reports relating to any of the above activities.