

## Arizona Indian Burial Laws

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### ARIZONA

**Citation:** Discovery of Human Remains, Sacred Ceremonial Object, Object of National and Tribal Patrimony (Arizona Rev. Stat. Â§41-844); Disturbing Human Remains or Funerary Objects on Lands Other Than State Lands (Arizona Rev. Stat. Â§41-865).

**Date Enacted:** 1990

**Summary:** In 1990, Arizona passed two laws specifically dealing with the protection of human burials and associated grave goods on state and private lands. The Discovery of Human Remains, Sacred Ceremonial Object, Object of National and Tribal Patrimony Act addresses protection of sacred and ceremonial objects on state lands or in the possession of the state. Under this statute, upon discovery of human remains over 50 years old, the project supervisor has three days to notify the Arizona State Museum. The preferred option is to leave the remains undisturbed. If the remains must be excavated, the State Museum has six months for study and to convene a meeting to determine disposition. Reburial is required of human remains and associated objects from state lands. Objects that are scientifically important may be retained for study for up to one year. For sacred or ceremonial objects, the tribe's decision will be respected. The project supervisor responsible for the discovery is obligated to pay repatriation and reburial costs. A process is established for dispute resolution under which native groups may petition for return of artifacts of importance held by state institutions.

**The second statute,** Disturbing Human Remains or Funerary Objects on Lands Other Than State Lands, requires the landowner to notify the Arizona State Museum of the discovery of human remains or of the intent to disturb a known burial site. The museum will encourage the landowner to protect the site from further disturbance but if this is not possible, the museum and landowner will attempt to reach agreement for recovery of the remains. If no agreement can be reached, the landowner must allow at least 10 days for the museum to notify the appropriate tribal groups. For remains removed from private lands, the museum has six months to notify native groups and researchers. If no claims are made, the museum will rebury the remains within one year or store them for later repatriation. The landowner is encouraged to assist in paying for excavation and reburial of material from private lands, but is not required to do so. In these cases, the museum will pay. The law further prohibits the sale of human remains or associated grave goods.

**Jurisdiction:** State lands, private lands and collections held in state institutions.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All human burials at least 50 years old and associated grave goods located on state or private lands and sacred objects held in state institutions.

**Ownership:** For state lands, the project supervisor is responsible for remains until disposition. For remains on private lands, the museum is responsible for excavation and reburial.

**Review/Consultation Committee:** Consultation is done a case by case basis.

**Liable:** Anyone who violates provisions of the law.

**Penalties:** Unauthorized excavation of sites is a felony with up to 5 years in jail and fines of up to \$150,000; Misdemeanor penalties include fines of \$2,500 and up to six months in jail.

**Exemptions:** Not specified.

**Permitting:** Permits are required for excavation of archaeological, historic, and paleontological

resources, including burials, on state lands. Permits are issued by the Director of the Arizona State Museum.

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