

## Connecticut Indian Burial Laws

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### CONNECTICUT

**Citation:** Implementing the Recommendations of the Task Force on Indian (Connecticut Public Act 89- 368, codified into Connecticut General Statutes Â§10-382 through Â§10-388, et seq.).

**Date Enacted:** 1989; codified 1993

**Summary:** All sites, objects and remains older than 50 years found on public and private land are covered by the statute. The Historical Commission is charged with identifying and inventorying sacred and archaeological sites and issuing permits for excavations on state lands and coordinates with the Native American Heritage Advisory Council (NAHAC). If the permit allows disturbance of a known burial, cemetery or sacred site, the NAHAC reviews the application. When human remains are discovered, the activity including construction, agriculture, archaeology or other actions, ceases and resumes with permission of the Medical Examiner and the State Archaeologist. The Chief Medical Examiner determines if the remains are the result of criminal action. If the remains are Native American or were buried of more than 50 years, the State Archaeologist is notified. The State Archaeologist consults with the Historical Commission, the NAHAC, the Commission of Environmental Protection and the landowner within 72 hours to determine if the remains can be preserved in situ. If in situ preservation is not possible, the State Archaeologist provides for removal and reburial or allows additional archaeological investigation and scientific analysis prior to reburial. Recovery of remains must be completed within five days of notification by the medical examiner unless land owner allows longer. The Commissioner of Environmental Protection has designated state lands for reburial and any human remains discovered after October 1, 1998 will be reburied. No person may sell, exchange, transport, receive or offer to sell any human remains or artifacts collected, excavate or otherwise removed from state lands. The law imposes fines up to \$5,000 or twice the value of the artifacts and the cost of restoration of the site. Prison terms up to five years are also mandated.

**Jurisdiction:** All sites on state, local or private lands.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All unmarked human burials.

**Ownership:** The Connecticut Historical Commission.

**Review/Consultation Committee:** The Native American Heritage Council must be consulted.

**Liable:** Any person removing burials without a permit is liable.

**Penalties:** Fines up to \$5,000 or twice the value of the artifacts and the cost of restoration of the site. Prison terms up to five years and possible assessment of costs of restoring the site.

**Exemptions:** Agricultural practices that threaten burials shall cease until the Medical Examiner and State Archaeologist make a determination of disposition, within 5 days.

**Permitting:** The Connecticut Historical Commission issues permits.

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