

Idaho Indian Burial Laws

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Citation: Protection of Graves (Idaho Code Â§27-501) and State Historic Society (Idaho Code Â§67-4101, et seq.).

Date Enacted: 1984

Summary: The Idaho Protection of Graves law applies to all graves, cairns, human remains and artifacts on state and private lands. The law mandates reburial. No individual may willfully disturb any cairn or grave or remove artifacts or human remains. After January 1, 1984, no person may possess artifacts or human remains taken from a cairn or grave other than in authorized ways. The law prohibits public display or exhibition or the sale of human remains or artifacts taken from a cairn or grave. If a grave is going to be destroyed, the Idaho Historical Society and appropriate tribe are consulted. The site is excavated with the permission of the tribe; permission is assumed if no response is received within 60 days of notification. Reinterment of all human remains and artifacts after scientific study is assumed and takes place following scientific study and is done at the archaeologist's expense and under supervision of the tribe. Penalties are felonies and include up to \$10,000 in fines and five years in prison. Civil penalties may also be assessed.

Jurisdiction: All state and private lands in Idaho.

Statute of Limitations: Not specified.

Areas Covered Under Act: All Native American graves and cairns, human remains and associated artifacts are protected.

Ownership: Cost of reinterment partially born by Idaho State Historic Society.

Review/Consultation Committee: A consultation process is established and carried out by the State Historical Society.

Liability: Any person who willfully disturbs, possess or takes human remains or artifacts from a Native American cairn or grave; displays or exhibits any human remains; or sell human remains or artifacts taken from a cairn or grave is liable.

Penalties: Violations are considered a felony with fines up to \$10,000 and imprisonment up to five years.

Exemptions: Archaeological excavation is allowed.

Permitting: The Idaho State Historical Society issues permits for archaeological excavation.