

Illinois Indian Burial Laws

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ILLINOIS

Citation: Human Skeletal Remains Protection Act (Illinois Comp. Stat. Ann. 20 ILCS 3440/0:01, et seq.).

Date Enacted: 1989

Summary: The Human Skeletal Remains Act protects unregistered graves on state and private lands which are over 100 years old not in a registered cemetery. The law also applies to grave goods and artifacts. Any person who discovers human skeletal remains must notify the coroner promptly. Failing to do so within 48 hours is a Class C misdemeanor, unless such person has reasonable cause to believe the coroner has already been notified. If the human skeletal remains appear to be from an unregistered grave, the coroner will notify the Historic Preservation Agency. A permit will be issued prior to their removal, and costs for excavation are paid by the permit applicant. The state owns all human remains and grave goods and reburial is not specified. Knowingly disturbing human skeletal remains and burial artifacts, the sale or exchange of such objects may result in fines of up to \$10,000 and prison for up to one year; civil penalties may also be assessed. Knowingly disturbing a grave marker is a Class E misdemeanor, which is punishable by up to \$500 in fines and not more than six months imprisonment. The Historic Preservation Agency is authorized to offer rewards up to \$2,000 for information leading to the arrest and conviction of violators.

Jurisdiction: All state and private lands in Illinois.

Statute of Limitations: Not specified.

Areas Covered Under Act: All unmarked graves, human skeletal remains and grave goods are protected.

Ownership: The state claims all human remains and grave goods from unregistered graves.

Review/Consultation Committee: There is no provision for a review committee or for consultation with Native Americans.

Liable: Any individual, firm, trust, estate, partnership, association, joint venture, etc. who knowingly disturbs, sells, exchanges or allows to be disturbed human graves.

Penalties: Penalties range from a Class B misdemeanor with imprisonment not to exceed six months and fines not to exceed \$500, to a Class A misdemeanor with imprisonment for not more than one year and a fine not to exceed \$10,000. Subsequent violations are viewed as a Class 4 felony. In addition, civil damages including forfeiture, reparation of costs for cleaning, restoring and analyzing may be assessed for disturbing graves or markers without a permit.

Exemptions: Not specified.

Permitting: The Historic Preservation Agency issues permits prior to removal of remains.