

Iowa Indian Burial Laws

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Citation: Reintering ancient remains (Code of Iowa Â§263B.7 through Â§263B.9; and Iowa Administrative Code Â§685-11.1 and Iowa Administrative Code Â§70-11-1).

Date Enacted: 1976, amended most recently 1993

Summary: The Iowa law is implemented by the State Archaeologist who has the primary responsibility for investigating, preserving and reintering ancient human remains. Ancient human remains are those remains found within the state which are more than 150 years old. The State Archaeologist provides for a forensic osteologist to study and interpret ancient burials and may designate other qualified archaeologists to assist in recovering physical and cultural information about the burials. Permits for excavations are issued after consultation with the Office of the State Archaeologist and Indian Advisory Committee. The State Archaeologist files a report with the department of public health. The state has established cemeteries on state lands for the reburial of ancient human remains. The State Archaeologist has the authority to prohibit disinterment of human remains that have state or national significance. The law does not address grave goods; nor is it clear on whether the law deals with state lands only or state and private lands. It is interpreted by the Office of the State Archaeologist to apply the law to private and state lands, but not to federal property. Anyone who intentionally disinters human remains from a burial site without lawful authority or, disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the State Archaeologist, is guilty of criminal mischief in the third degree (aggravated misdemeanor).

Jurisdiction: All non-federal lands in Iowa.

Statute of Limitations: Coded in criminal code.

Areas Covered Under Act: Ancient human burials over 150 years.

Ownership: State of Iowa.

Review/Consultation Committee: No Native American consultation is required.

Liable: Anyone who deliberately disturbs ancient burials without a permit is liable.

Penalties: Criminal mischief in the 3rd degree (aggravated misdemeanor).

Exemptions: Not specified.

Permitting: Office of the State Archaeologist will issue permits.