

Louisiana Indian Burial Laws

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Citation: Unmarked Human Burial Sites Preservation Act (Louisiana Revised Stat. Ann. Title 8, Â§671- 681).

Date Enacted: 1991

Summary: The Louisiana Unmarked Human Burial Sites Preservation Act provides for the protection of unmarked burial sites, human skeletal remains and burial artifacts. The law establishes the Unmarked Burial Sites Board to implement and enforce the law; consult with all interested parties when an unmarked burial site is disturbed; and issue permits for the disinterment and/or for scientific study of human remains and burial artifacts. The law makes it illegal to disturb an unmarked burial site or any human skeletal remains or burial artifacts in such a site. To buy sell, barter, excavate, give, receive, posses, display, discard or destroy human skeletal remains from any unmarked burial site in the state, or allow anyone to do this, is a crime. Each violation is subject to a fine of not more than \$5,000 or imprisonment for not more than one year, or both for a first offense. For subsequent convictions, a fine of not more than \$10,000 or imprisonment for not more than two years, or both will be imposed. Civil penalties may also be assessed.

Whenever an unmarked burial site or human skeletal remains are discovered, the local law enforcement office must be notified within 24 hours. Anyone receiving what they belief are burial artifacts must notify the Division of Archaeology within 72 hours. Failure to notify is a misdemeanor with fines not less than \$100 or more than \$1,000. Upon discovery, all disturbing activity ceases and will not resume until the Board has issued a permit outlining the disposition of the remains. This will be done within 30 days. The law enforcement agency notifies the coroner of the discovery, who notifies the Board within two business days if the remains are not older than 50 years and not the result of criminal action. In this case the Board will have jurisdiction over the remains. The Board will take every reasonable action to restore the burial site and avoid disturbing the remains. If the remains are of scientific value, a permit may be issued for study. The Board will make a reasonable effort to identify and locate direct kin or where remains have a known ethnic affinity with a Native American tribe, the tribe will be contacted. If the remains must be removed, the direct relations, if known, will have control over the disposition. If there is no known relative, but an established ethnic affinity, then the tribe will have control over the disposition. If no direct relative or ethnic affinity are established, the Board will determine disposition. The cost of disinterment, reinterment or study shall be paid by the party requesting the permit if one is issued, otherwise the Board will bear the cost of reinterment. All burial artifacts found in an unmarked burial site become the property of the state and the Board will have control over their disposition.

Jurisdiction: State and private lands are protected.

Statute of Limitations: Not specified. Areas Covered Under Act: Unmarked burial sites, human skeletal remains and burial artifacts.

Ownership: The state lays claim to burial artifacts only.

Review/Consultation Committee: The Louisiana Unmarked Burial Sites Board is the primary enforcer, implementer and plays the key role in the consultation process.

Liable: Anyone who disturbs an unmarked burial site, buy, sells, barter, excavates, posses, displays or destroys human skeletal remains; or allows such action to occur; or fails to notify the authorities

that such activities have occurred.

Penalties: Violations of a first offense is punishable by a fine not exceeding \$5,000 or imprisonment for not more than one year or both. Second offenders will be punished by imprisonment for not more than two years or a fine of not more than \$10,000 dollars, or both.

Exemptions: Land used for farming, cattle, timber and other similar surface uses that will not disturb human skeletal remains through excavation.

Permitting: The board will issue or revoke permits as appropriate. Fees for permits will not exceed \$100.