

Minnesota Indian Burial Laws

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MINNESOTA

Citation: Private Cemeteries (Minnesota Stat. Ann. Â§307.08).

Date Enacted: Amended 1976, Effective 1983, Amended 1993, 1997

Summary: The Private Cemeteries Act offers protection to all human remains and human burials on state and private lands or waters. Anyone who intentionally, willfully or knowingly destroys, mutilates, injures, or removes human skeletal remains or human burial grounds is guilty of a felony. The State Archaeologist will appoint a qualified archaeologist to identify Indian burial grounds. All undiscovered human remains over 50 years old, outside of a plotted cemetery, are dealt with according to this Act. In cases where remains are discovered and the remains are not Native American, provisions developed by the State Archaeologist will be followed. If probable tribal identity can be determined, the State Archaeologist and the Indian Affairs Council will decide if they should be turned over to the contemporary tribal leaders for disposition. If the State Archaeologist and Indian Affairs Council decide it necessary the remains may be studied prior to return. When Indian burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters shall submit construction and development plans to the State Archaeologist and the Indian Affairs Council for review prior to the time bids are advertised.

Jurisdiction: All state and private lands and waters.

Statute of Limitations: Not specified.

Areas Covered Under Act: All human remains and burials.

Ownership: The state of Minnesota or identified tribe.

Review/Consultation Committee: Consultation with the Indian Affairs Council.

Liable: Anyone who intentionally, willfully or knowingly destroys, mutilates, injures or removes human skeletal remains or burials is liable.

Penalties: Anyone who violates the burial laws is committing a gross misdemeanor with fines reaching as high as \$10,000 and prison terms up to five years.

Exemptions: Not specified.

Permitting: Permission to excavate issued by State Archaeologist in consultation with the Indian Affairs Council.