

## Missouri Indian Burial Laws

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### MISSOURI

**Citation:** Unmarked Human Burial Sites (Missouri Rev. Stat. Â§194.400, et seq.).

**Date Enacted:** 1987

**Summary:** This statute establishes an Unmarked Human Burial Consultation Committee in the Department of Natural Resources. Upon discovery of unmarked human burials or human skeletal remains during archaeological excavation, construction, agriculture or other ground disturbing activities on private lands and waters or state lands and waters, the activity must cease immediately and either the State Historic Preservation Officer (SHPO) or local law enforcement office is notified. Activity will not resume until specific authorization from either the SHPO or law enforcement office is received. The law enforcement officer determines if the remains are needed for criminal investigation; if not, the SHPO determines if the human remains must be removed for scientific analysis. An archaeological investigation will be done within 30 days to determine cultural and biological characteristics. The SHPO must try to identify and locate direct kin who will determine disposition; if no direct kin can be identified and ethnic affinity has been determined, the ethnic group determines disposition. If the SHPO determines the remains are scientifically important, analysis may take place prior to reinterment. Analysis must be completed within one year. If no affinity can be established, the Unmarked Human Burial Consultation Committee determines disposition. It is a Class D felony with five years imprisonment and \$10,000 fine to violates the law. It is unclear who pays for required archaeological excavation and study of remains. There is no mention of associated artifacts.

**Jurisdiction:** All state and private lands and waters in Missouri.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All human skeletal remains and unmarked human burials.

**Ownership:** The State Historic Preservation Officer is responsible.

**Review/Consultation Committee:** The Act establishes the Unmarked Human Burial Consultation Committee.

**Liable:** Anyone who disturbs burials without a permit.

**Penalties:** Class D felony with up to five years imprisonment and \$10,000 fine to violate the law.

**Exemptions:** None.

**Permitting:** The SHPO issues excavation permits.