

Nebraska Indian Burial Laws

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NEBRASKA

Citation: Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Rev. Stat. Â§12- 1201 through Â§12-1212).

Date Enacted: 1989

Summary: The Unmarked Human Burial Sites law pertains to human remains and grave goods found on private and public land in the state. When human remains or burial goods are discovered, the activity ceases and within 48 hours the local law enforcement office must be notified. Failure to do so is a Class III misdemeanor. Civil penalties may also be assessed. If human remains and grave goods are discovered as part of a state road project, the activity ceases and within 48 hours the law enforcement office is notified and the remains will be excavated and removed. The law enforcement officer notifies the land owner, county attorney and State Historical Society. If the remains are archaeological, non-Native American and relatives are identifiable, they will pay for reinterment. Otherwise, the county pays after one year of study. If the remains are scientifically important, they may be retained by the Society. If the remains are Native American, the Commission on Indian Affairs is notified in writing and seeks associated tribes or kin. Reburial takes place at the request and expense of the affiliated tribe. If the Native American remains are unclaimed, they will be reburied by the county. Institutions with Native American remains and grave goods which are reasonably identifiable should return the remains upon request. The Act outlines dispute resolution steps and appoints a 3rd party reviewer.

Jurisdiction: All private and public land in Nebraska.

Statute of Limitations: The case must be brought to trial within two years of discovery or within two years of August 25, 1989, whichever is later.

Areas Covered Under Act: Human remains and grave goods are covered under this law.

Ownership: The remains must be returned to the closest relative or affiliated Indian tribe.

Review/Consultation Committee: The Commission on Indian Affairs is notified and will seek associated tribes or kin.

Liable: Anyone who fails to cease disturbing activities or who fails to notify the proper authorities is liable.

Penalties: Failure to cease disturbing activities and notify the law enforcement agent is a Class III misdemeanor. Civil penalties may also be assessed.

Exemptions: Remains encountered as part of state road projects are to be excavated without assessment and consultation.

Permitting: Permits for excavation are issued through the State Historical Society.