

Nevada Indian Burial Laws

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NEVADA

Citation: Protection of Indian Burial Sites (Nev. Rev. Stat. Ann. Â§383.160).

Date Enacted: 1989, amended 1993

Summary: This law covers human remains and artifacts located on private and state lands which date from the mid-18th century. Any person who inadvertently disturbs the cairn or grave of a native Indian that has not been previously reported to the Historic Preservation Division (HPD) must report the discovery and location of the site to the Division. The HPD then consults with the Nevada Indian Commission and notifies the appropriate tribe. Tribes may inspect the site with permission and make recommendations on disposition of human remains and artifacts. If the Indian burial site is on private land and the tribe fails to make a recommendation within 48 hours or the landowner rejects the recommendation and mediation fails, the landowner will, at his expense, reinter the artifacts and remains. If the Indian burial is on public land, archaeological excavation and analysis may take place under the supervision of the tribe. All human remains and artifacts must be reinterred under the supervision of the Indian tribe, unless the tribe explicitly consents to public display of a particular artifact. Anyone who willfully removes, mutilates, defaces, injures or destroys a cairn or grave is guilty of a misdemeanor and shall be punished by a fine of \$500 for the first offense, or by a fine of not more that \$3,000 for a second or subsequent offense, and may be further punished by not more than a years imprisonment. Anyone who possesses, publicly displays or sells artifacts or human remains from a cairn or grave of a Native Indian shall be punished by a fine of \$1,000 for the first offense, or by a fine of not less than \$5,000 nor more than \$10,000 for a second or subsequent offense, and may be further punished by imprisonment in the state prison for not less than 1, but no more than 5 years. In addition to the imposition of any criminal penalty, an Indian tribe or an enrolled member of an Indian tribe may bring a civil action to secure an injunction, damages, and other appropriate relief against a person who fails to follow this law.

Jurisdiction: Private and state lands in Nevada.

Statute of Limitations: Action must be brought within two years after the discovery. Areas Covered Under Act: Human remains and artifacts on which date from the mid-18th century.

Ownership: Not specified.

Review/Consultation Committee: Upon discovery the Historic Preservation Division is notified which contacts the Nevada Indian Commission and appropriate tribe.

Liable: Anyone who willfully removes, mutilates, defaces, injures, destroys a cairn or grave; possesses, publicly displays or sells artifacts or human remains from a cairn or grave of a Native Indian is liable.

Penalties: Willfully removing, mutilating, etc. a cairn or grave is guilty of a misdemeanor with fines of \$500 for the first offense and up to \$3,000 for a second or subsequent offense, and prison of not more than a year. Possession, display or sale of artifacts or human remains from a cairn or grave carries a fine of \$1,000 for the first offense, and not less than \$5,000 or more than \$10,000 for a second or subsequent offense, and prison of not less than one year, or more than five years. An Indian tribe or an enrolled member of an Indian tribe may bring a civil action to secure an injunction, damages, and other appropriate relief against a person who fails to follow this law.

Exemptions: Possession or sale of an artifact prior to October 1, 1989; discovered in or taken from a location other than a grave or cairn; removed from grave or cairn of a Native Indian by other than

human action; or action taken by a peace officer in performance of his duties.

Permitting: The Nevada State Historic Preservation Office issues permits.