

Pennsylvania Indian Burial Laws

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Citation: Pennsylvania Historical and Museum Commission Policy on the Treatment of Human Remains; Historic Preservation (PA Consolidated Stat. 37, Â§104, et seq.).

Date Enacted: 1978; policy 1993

Summary: The Commonwealth of Pennsylvania has no law specifically addressing the treatment of Native American remains. The Pennsylvania Historical and Museum Commission (PHMC) has, however, issued an internal policy document to comply with the Native American Graves Protection and Repatriation Act. Any person carrying out archaeological investigations during which there is the potential for encountering human remains or burial sites must have, as part of their research proposal or permit request, a treatment plan for the treatment of such remains. When human remains are encountered in a manner anticipated under the treatment plan, the plan is activated. If human remains unanticipated by the treatment plan are encountered, then work stops, the coroner, as appropriate, and the Bureau for Historic Preservation of the PHMC are notified. The parties involved then modify the existing treatment plan accordingly. Any person who, while undertaking earth moving activities, becomes aware that human remains or a burial site are being disturbed notifies the local law enforcement officer. If the remains appear to be of prehistoric or historic nature, the PHMC is notified. In all cases, human remains are left undisturbed until there has been a full investigation. Upon an unexpected discovery, the PHMC has one week to notify potential lineal descendants of culturally affiliated groups, determined in part on ethnographic and historical relationships, associated artifacts, and the context and setting in which the remains or burials were found. After consultation, the PHMC has 15-30 days to develop and implement a final treatment plan. The PHMC has compiled an inventory of all human remains and associated funerary objects in Commonwealth and has appointed a Pennsylvania Advisory Committee on Human Remains. The historic preservation and archaeological statutes required permits issued through the State Archaeologist's office. For actions that might involve a human burial, the state must notify appropriate Native American tribes. Oil and gas development is restricted in areas with archaeological sites. Violations of the preservation statute include fines from \$100 to \$2,500 and jail terms up to 30 days to 1 year.

Jurisdiction: All state lands.

Statute of Limitations: Not specified.

Areas Covered Under Act: All known and yet-to-be-discovered human remains and related objects.

Ownership: Not specified.

Review/Consultation Committee: State Archaeologist must notify Native American tribe and the Pennsylvania Advisory Committee on Human Remains.

Liable: Anyone who intentionally or inadvertently disturbs buried human remains, and institutions in possession of human remains and funerary objects.

Penalties: Violations of the preservation statute include fines from \$100 to \$2,500 and jail terms up to 30 days to one year.

Exemptions: Not specified.

Permitting: The State Archaeologist will issue permits.