

Virginia Indian Burial Laws

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VIRGINIA

Citation: Virginia Antiquities Act (Va. Code Ann. Â§10.1-2300, et seq.).

Date Enacted: 1991

Summary: In 1991, Virginia issued regulations to deal with emergency situations where unmarked human remains are unexpectedly uncovered through archaeological excavation, natural causes or looting. In these cases, the excavation shall only proceed with a permit from the Virginia Department of Historic Resources. Until a permit is received, all work at the burial site stops. Once the human remains are excavated, they may be analyzed for up to two years, with the ultimate disposition being reburial unless an alternate plan is approved by the Department of Historic Resources through consultation with key interested parties. If the remains are Native American, prehistoric or historic, the Virginia Council on Indians and the appropriate tribal groups are notified and consulted. It is a Class 1 misdemeanor to intentionally deface, damage, or remove an object of antiquity or to perform archaeology without state issued permit. A Class 1 misdemeanor carries fines up to \$1,000 and up to one year in jail. Damaging an unmarked grave is a felony with jail terms from 2 to 10 years.

Jurisdiction: State and private lands.

Statute of Limitations: Not specified.

Areas Covered Under Act: Unmarked human remains unexpectedly uncovered through archaeological excavation or natural causes or looting regardless of ownership or age.

Ownership: Not specified.

Review/Consultation Committee: The Virginia Council on Indians and the appropriate tribal groups shall be notified and consulted.

Liable: Anyone who intentionally deface, damage, or remove an object of antiquity or to perform archaeology without state issued permit.

Penalties: Class 1 misdemeanor carries fines up to \$1,000 and up to one year in jail Damaging an unmarked grave is a felony with jail terms from two to 10 years.

Exemptions: Not specified.

Permitting: The excavation shall only proceed with a permit from the Virginia Department of Historic Resources.

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