

Washington Indian Burial Laws

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WASHINGTON

Citation: Indian Graves and Records (Washington Rev. Code Â§27-44.010, et seq.).

Date Enacted: 1985; amended 1989

Summary: The statute recognizes the importance of Indian burial grounds and historic graves as irreplaceable, non-renewable cultural resources. Indian burial sites, cairns, glyptic markings and historic graves located on public and private lands are to be protected. Any person who knowingly removes, mutilates, defaces, injures, or destroys a Native Indian cairn or grave or any glyptic markings or painted record of any tribe or peoples, or who sells artifacts or human remains that are known to have been taken from a Native Indian cairn or grave, or damages an historic grave is guilty of a Class C felony. This does not apply to the possession or sale of Native Indian artifacts discovered in or taken from locations other than Native Indian cairns or graves. It also does not apply to artifacts for which a permit was issued or artifacts that were removed by other than human action. Persons inadvertently disturbing Indian graves including through construction, logging, mining or agricultural activities, will reinter the human remains under the direction of the appropriate Indian tribe. Expenses for reinterment will be paid by the Office of Archaeology and Historic Preservation. The Director of Community Development, in consultation with the affected tribes, will develop guidelines for permits for archaeological excavations of Native Indian cairns and graves. An Indian tribe or enrolled member of a tribe may take civil action to secure an injunction, damages or other relief against any person who is alleged to have violated this act. The action must be brought within two years of the discovery of the violation.

Jurisdiction: All public and private lands in Washington.

Statute of Limitations: The statute for civil damages is within two years of the discovery of the violation.

Areas Covered Under Act: Indian burial sites, cairns, glyptic markings and historic graves are protected. Ownership: Not specified.

Review/Consultation Committee: Requires consultation with appropriate tribes.

Liable: Any person who knowingly removes, mutilates, defaces, injures, or destroys any cairn or grave of any Native Indian or any glyptic or painted record of any tribe or peoples or who sells any Native Indian artifacts or any human remains that are known to have been taken from an Indian cairn or grave or damages an historic grave is guilty of a Class C felony. Does not apply to the possession or sale of Indian artifacts from locations other than Native Indian cairns or graves or artifacts for which a permit was issued for removal from cairns or graves or by other than human action.

Penalties: Penalties range from a Class C felony for knowingly removing, mutilating, defacing, injuring, or destroying any cairn or grave of any Native Indian or selling any Native Indian artifacts or any human remains that are known to have been taken from an Indian cairn or grave or to damage an historic grave.

Exemptions: Does not apply to the possession or sale of Native Indian artifacts from locations other than Native Indian cairns or graves or artifacts for which a permit was issued for removal from cairns or graves or by other than human action. It also does not apply to inadvertently disturbance of Indian graves through construction, logging, mining or agricultural activities.

Permitting: The Director of Community Development and appropriate tribes will develop guidelines for issuing archaeological permits.

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