

## Wisconsin Indian Burial Laws

Friday, 26 February 2010 18:00

### WISCONSIN

**Citation:** Burial Site Preservation (Wis. Stat. Ann. Â§157.70).

**Date Enacted:** 1985; amended 1989

**Summary:** The Director of the Historical Society will identify, record and catalog burial sites in order to protect sites from disturbance. The Director will provide a telephone service for any person to report a discovery or disturbance of a burial; establish a registry for any persons the Burial Site Preservation Board determines may have an interest in a catalogued burial site or class of sites. No person may intentionally cause or allow the destruction of a burial site. This does not prohibit normal agricultural practices which do not disturb human remains in a burial site or surface characteristic of a burial site. A person will immediately notify the Director if a burial site is being disturbed or may be disturbed. No person may intentionally cause or allow the disturbance of a catalogued burial site or the land contiguous to a burial site without a permit from the Director. Upon request of the application, the director determines if a hearing is necessary before issuing a permit. If a hearing is not necessary the director will determine whether a permit should be issued. Anyone who intentionally disturbs, without authorization, a burial site which is not cataloged or who intentionally disturbs, without a permit, a cataloged burial site or the catalogued land contiguous to the cataloged burial site, is liable. Any person with may bring an action for an injunction to prevent disturbance to the burial site or the cataloged land contiguous to a cataloged burial site or to obtain the human remains and objects related to the burial in the burial site for appropriate reinterment. Any person who fails to report the disturbance of a burial site or the cataloged land contiguous to a cataloged burial site will be fined not less than \$100 or more than \$1,000. Any person who intentionally disturbs without authorization a burial site which is not cataloged will be fined not less that \$500 nor more than \$2,000. Any owner who intentionally causes or allows any unauthorized activity which disturbs a burial site will be fined not less than \$1,000 or more than \$10,000. Any person who intentionally causes or allows activity which disturbs without a permit a cataloged burial site or the cataloged land bordering a cataloged burial site will be fined not less than \$1,000 nor more than \$10,000.

**Jurisdiction:** All state and private lands.

**Statute of Limitations:** Not specified.

**Areas Covered Under Act:** All cataloged and non-cataloged burial sites and land bordering cataloged burial sites.

**Ownership:** Not specified.

**Review/Consultation Committee:** Burial Site Preservation Board reviews actions taken by the Director of the Historical Society.

**Liable:** Any person who fails to report the disturbance of a burial site or the cataloged land next to a cataloged site; anyone who intentionally disturbs a site; any landowner who allows a site to be disturbed without authorization; and anyone who intentionally causes or allows any activity which disturbs a cataloged burial site or the cataloged land bordering a cataloged burial site without a permit.

**Penalties:** Failure to report a disturbance of a burial site or intentionally disturbing an uncatalogued site carry fines from \$500 to \$2,000; allowing unauthorized disturbance of a burial site after receiving notice from the director carries fines from \$1,000 to \$10,000; intentionally disturbing a

cataloged burial site carries fines of \$1,000 to \$10,000.

**Exemptions:** Normal agricultural practices which do not disturb the human remains or the surface characteristic of a burial site are exempted.

**Permitting:** Permits are available from the Director.

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