

CHAPTER 307

PRIVATE CEMETERIES

307.08 Damages; illegal molestation of human remains; burials; cemeteries; penalty.

307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY.

[For text of subd 1, see M.S.1982]

Subd. 2. A person who intentionally, willfully, or knowingly destroys, mutilates, injures, or removes human skeletal remains or human burials, or removes any tombstone, monument, or structure placed in any public or private cemetery or unmarked human burial ground, or any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant or grave goods and artifacts within the limits of the cemetery or burial ground, and a person who, without authority from the trustees, state archaeologist, or Indian affairs intertribal board, discharges any firearms upon or over the grounds of any public or private cemetery or authenticated and identified Indian burial ground, is guilty of a gross misdemeanor.

[For text of subd 3, see M.S.1982]

Subd. 4. The state shall retain the services of a qualified professional archaeologist, approved by the state archaeologist and the Indian affairs intertribal board, for the purpose of authenticating and identifying Indian burial grounds when requested by a concerned scientific or contemporary Indian ethnic group, when Indian burials are known or suspected to exist on public lands or waters controlled by the state or political subdivision.

[For text of subs 5 to 7, see M.S.1982]

Subd. 8. No authenticated and identified Indian burial ground may be relocated unless the request to relocate is approved by the Indian affairs intertribal board. When the Indian burial ground is located on public lands or waters, the cost of removal is the responsibility of and shall be paid by the state or political subdivision controlling the lands or waters. If large Indian burial grounds are involved, efforts shall be made by the state to purchase and protect them instead of removing them to another location.

[For text of subd 9, see M.S.1982]

Subd. 10. When Indian burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters shall submit construction and development plans to the state archaeologist and the Indian affairs intertribal board for review prior to the time bids are advertised. The state archaeologist and the Indian affairs intertribal board shall promptly review the plans and make recommendations for the preservation or removal of the human burials or remains, which may be endangered by construction or development activities.

History: 1983 c 282 s 1-4