

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.1998]

Subd. 2. **Felony; gross misdemeanor.** A person who intentionally, willfully, and knowingly destroys, mutilates, injures, disturbs, or removes human skeletal remains or human burial grounds, is guilty of a felony. A person who intentionally, willfully, or knowingly 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 council, 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 subds 3 to 7, see M.S.1998]

Subd. 8. **Burial ground relocation.** No authenticated and identified Indian burial ground may be relocated unless the request to relocate is approved by the Indian affairs council. 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.

Subd. 9. **Interagency cooperation.** The department of natural resources, the department of transportation, and all other state agencies and local governmental units whose activities may be affected, shall cooperate with the state archaeologist and the Indian affairs council to carry out the provisions of this section.

Subd. 10. **Construction and development plan review.** 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 council for review prior to the time bids are advertised. The state archaeologist and the Indian affairs council 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: 1999 c 86 art 1 s 64-67