

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL 125

By: Senators Brandon and Hoofman

"AN ACT TO PROHIBIT THE DESECRATION OF AMERICAN INDIAN BURIAL SITES; TO PROHIBIT COMMERCIAL TRADE OF THE SKELETAL REMAINS OF AMERICAN INDIANS OR THEIR BURIAL ARTIFACTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) "Burial artifacts" means objects made by American Indians specifically for burial purposes.

(b) "Burial site" means mounds or other land areas containing the burial artifacts or the skeletal remains of one or more American Indians.

(c) "Indian artifacts" means objects made by American Indians.

SECTION 2. It is unlawful for any person to sell or barter skeletal remains of American Indians or any Indian artifacts recovered from a burial site.

SECTION 3. (a) Except as otherwise provided in this Act, it is unlawful for any person to:

- (i) display the skeletal remains of American Indians for profit;
- (ii) excavate, destroy or otherwise disturb an Indian burial site; or
- (iii) maintain or display an open Indian burial site.

(b) This Section does not apply to:

- (i) educational institutions and museums sponsored or supported by governmental entities;
- (ii) governmental agencies;
- (iii) cities;
- (iv) counties; or
- (v) other governmental subdivisions.

SECTION 4. When any farmer, highway worker, construction worker or other person discovers an Indian burial site, the person shall immediately notify the Director of the Department of Natural and Cultural Heritage or his designee and shall not disturb the burial site without permission of the Director or his designee. Upon receipt of the notice the Director shall investigate the site as soon as possible and may prohibit further disturbance of the site, authorize the transfer of the remains to another appropriate site, or take such other action as provided by Department regulations. The Department is hereby directed to, as soon as possible, promulgate regulations for the implementation and enforcement of this Act.

SECTION 5. Any person possessing skeletal remains of American Indians in this State shall no later than December 31, 1987 register the remains with the Director of the Department of Natural and Cultural Heritage in accordance with regulations promulgated by the Department. Any person who discovers the skeletal remains of Indians within this State after the effective date of this Act shall report the discovery to the Director of the Department of Natural and Cultural Heritage within ten calendar days after discovery unless earlier notification is required under Section 4. Furthermore, when the Department of Natural and Cultural Heritage is so notified, it shall attempt to identify the tribal affiliation to the remains, and if successful notify the tribe and the American Indian Center of Arkansas, Inc. or its successor for further disposition.

SECTION 6. Violations of this Act shall constitute class B misdemeanors.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

