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SENATE FILE 1193

By MURRAY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to ancient remains and subjecting violators
2 to a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter three hundred five A (305A), Code 1975,
2 is amended by adding the following new sections:

3 NEW SECTION. The state archaeologist shall have the primary
4 responsibility for investigating, preserving and reinterring
5 discoveries of ancient human remains. For the purposes of
6 this Act ancient human remains shall be those remains more
7 than one hundred fifty years old. The state archaeologist
8 shall make arrangements for the services of a forensic
9 osteologist in studying and interpreting ancient burials and
10 may designate other qualified archaeologists to assist the
11 state archaeologist in recovering physical and cultural
12 information about the ancient burials. The state archaeologist
13 shall file with the department of health a written report
14 containing both physical and cultural information regarding
15 the remains at the conclusion of each investigation.

16 NEW SECTION. The state archaeologist shall establish,
17 with the approval of the executive council, a cemetery on
18 existing state lands for the reburial of ancient human remains
19 found in the state. The cemetery shall not be open to the
20 public. The state archaeologist in cooperation with the Iowa
21 state conservation commission shall be responsible for
22 coordinating interment in this cemetery.

23 NEW SECTION. There is created a fund not to exceed fifteen
24 thousand dollars to be used by the state archaeologist in
25 investigating, reporting upon, and interring ancient human
26 remains found within the state. The balance of the fund shall
27 be determined by the amount of funds appropriated by the
28 general assembly.

29 Sec. 2. Section three hundred thirty-nine point five
30 (339.5), Code 1975, is amended to read as follows:

31 339.5 REPORTS BY OTHERS. Every person who knows of the
32 existence of a body where death occurred in the manner
33 specified in section 339.6, shall notify the county or state
34 medical examiner or the city or state law enforcement agency
35 or county sheriff thereof as soon as possible, unless such

1 person shall have good reason to believe that such notice
2 has already been given. If the remains are believed to be
3 over one hundred fifty years old, the state archaeologist
4 shall be notified. Any person who shall fail to give such
5 notice ~~to a medical examiner~~ shall be guilty of a public
6 offense, and upon conviction thereof shall be punished by
7 a fine of not more than five hundred dollars or a sentence
8 in the county jail of not more than six months, or by both
9 such fine and imprisonment.

10 Sec. 3. Section seven hundred fourteen point twenty-one
11 (714.21), Code 1975, is amended to read as follows:

12 714.21 VIOLATING SEPULCHER. If any person, without law-
13 ful authority, willfully dig up, disinter, remove, or carry
14 away any human body, or the remains thereof, including ancient
15 human remains as defined in this Act, from its place of
16 interment; or aid, assist, encourage, incite, or procure the
17 same to be done or attempted; or willfully receive, conceal,
18 or dispose of any such human body or the remains thereof;
19 or if any person, with the intent to commit any of the
20 aforesaid acts, partially perform the same, he shall be
21 imprisoned in the penitentiary not more than two years, or
22 be fined not exceeding twenty-five hundred dollars, or both.

23 EXPLANATION

24 The bill gives the state archaeologist primary respon-
25 sibility for human remains more than one hundred fifty years
26 old. The state archaeologist is to investigate and report
27 on discoveries of such remains. A cemetery for the interment
28 of such remains is established. A fund to be used for the
29 investigations, reporting, and interment is created. The
30 state archaeologist is required to be notified of discovery
31 of such remains. The prohibition on violating burials is
32 clarified to include such remains.

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