

HOUSE BILL NO. HB0003

Coroners-archaeological burials.

Sponsored by: Joint Corporations, Elections and Political Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to county coroners; providing for
2 exhumation of human remains; providing for notification to
3 state archaeologist of archaeological human burials;
4 providing an appropriation; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-4-105 is created to read:

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11 **7-4-105. Archaeological human burials.**

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13 (a) Notwithstanding W.S. 6-4-501, the county coroner
14 shall have jurisdiction over all archaeological human
15 burials discovered in the county.

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1 (b) When human remains are discovered, the county
2 coroner shall be notified. The coroner shall determine the
3 approximate age of the burial location. If the human
4 remains constitute an archaeological human burial the
5 coroner shall notify the state archaeologist.

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7 (c) An archaeological human burial may only be
8 exhumed by the state archaeologist in coordination with the
9 county coroner and only when exhumation is in the public
10 interest.

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12 (d) Human remains shall be treated with respect,
13 dignity and with consideration of religious, spiritual and
14 ethnic evidence present at the burial.

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16 (e) The state archaeologist and coroner shall notify
17 and consult with appropriate native American tribes when
18 any archaeological human burial and associated grave goods
19 are determined by the state archaeologist to be native
20 American and culturally affiliated with one (1) or more
21 native American tribes.

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23 (f) For purposes of this section "archaeological
24 human burial" means human remains where the death of the

1 human is determined to have occurred more than one hundred
2 (100) years prior to the remains being discovered but does
3 not include remains found in known or marked graves or in
4 established cemeteries.

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6 **Section 2.** W.S. 6-4-501(a) is amended to read:

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8 **6-4-501. Opening graves and removing bodies; penalty;**
9 **exception.**

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11 (a) Except as provided in W.S. 7-4-105, a person who
12 opens a grave or tomb and removes a body or remains of a
13 deceased person for any purpose without the knowledge and
14 consent of near relations of the deceased commits a
15 misdemeanor punishable by a fine of not more than seven
16 hundred fifty dollars (\$750.00).

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18 **Section 3.** There is appropriated thirty thousand
19 dollars (\$30,000.00) from the general fund to the
20 department of state parks and cultural resources. This
21 appropriation shall be for the period beginning with the
22 effective date of this act and ending June 30, 2010. This
23 appropriation shall only be expended for the purpose of
24 providing for state archaeologist assistance with the

1 exhumation of archaeological human remains as provided in
2 section 1 of this act. Notwithstanding any other provision
3 of law, this appropriation shall not be transferred or
4 expended for any other purpose and any unexpended,
5 unobligated funds remaining from this appropriation shall
6 revert as provided by law on June 30, 2010. This
7 appropriation shall not be included in the department's
8 2011-2012 standard biennial budget request.

9

10 **Section 4.** This act is effective July 1, 2009.

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12

(END)