

SENATE BILL NO. 187

BY SENATOR DORSEY-COLOMB AND REPRESENTATIVES BILLIOT, BROWN,
BURRELL, HONORE, GIROD JACKSON AND NORTON

1 AN ACT

2 To enact R.S. 8:663, relative to human remains; to provide for the collection, analysis, and
3 reburial of exposed human skeletal remains; to provide certain terms, conditions,
4 definitions, procedures and requirements; to provide for certain limitation of liability;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 8:663 is hereby enacted to read as follows:

8 **§663. Collection, analysis, and reburial of exposed human skeletal remains**

9 **A. The legislature hereby finds that exposed human skeletal remains in**
10 **cemeteries, while harmless from a public health perspective, are nonetheless**
11 **disrespectful to those interred in the cemetery and are susceptible to being**
12 **looted. Accordingly, the legislature finds that the collection and reburial of**
13 **these remains, in a controlled, scientific, and respectful manner, is in the best**
14 **interests of the public.**

15 **B. This Section shall apply only to municipal cemeteries as defined in**
16 **R.S. 8:1, and to cemeteries that do not currently hold a certificate of authority**
17 **under this Title.**

18 **C. The words and phrases in this Section shall have the meanings given**
19 **to them in Chapter 10-A of this Title unless the context clearly indicates**
20 **otherwise.**

21 **D. (1) Upon the identification of human skeletal remains and burial items**
22 **exposed to the surface in a cemetery subject to this Section, the Louisiana**
23 **Cemetery Board or the attorney general shall make a reasonable attempt to**
24 **contact the cemetery and demand that such human skeletal remains and burial**

1 items be secured and re-interred.

2 (2) Upon a failure or refusal of the cemetery authority to comply with a
3 demand made under Paragraph (1) of this Subsection and with the express
4 written permission of the cemetery authority, the attorney general or students
5 and instructors of institutions of higher education from the disciplines of
6 anthropology, archaeology, biology, and mortuary science may undertake the
7 systematic collection of human skeletal remains and burial items that are
8 exposed to the surface and are at risk of being looted from cemeteries within the
9 state.

10 (3) If written permission of the relevant cemetery authority cannot be
11 reasonably obtained and the exposed human skeletal remains are at risk of
12 being looted, the attorney general may apply to the district court in which the
13 cemetery is located for an order to safeguard the human skeletal remains. Upon
14 the filing of such a petition, the district court shall set the matter for hearing in
15 the manner provided in C.C.P. Art. 3601, et seq.

16 (4) The attorney general may collect the exposed human skeletal remains
17 or may delegate that authority to a qualified party under this Subsection.

18 E. The following procedures and protocols shall be followed in
19 undertaking any collection program under this Section:

20 (1) Prior to any collection activity notification, proof of compliance with
21 this Section shall be provided to the Louisiana Cemetery Board, the Louisiana
22 Division of Archaeology, and the attorney general, in writing.

23 (2) Any collection activities shall be conducted under the direction of the
24 attorney general or a full-time faculty member from an accredited college or
25 university in the state of Louisiana.

26 (3) Any collection activities undertaken pursuant to this Section shall be
27 supervised by a person with a minimum education level of a master's degree in
28 one of the enumerated fields of study in Paragraph (D)(2) of this Section.

29 (4) All human skeletal remains and burial items collected from the
30 surface of a cemetery pursuant to this Section shall be collected in the following

1 manner:

2 (a) A minimum of two digital photographs of the collected item shall be
3 taken prior to its collection that will allow for a visual demonstration of its
4 original location.

5 (b) A handheld global positioning system (GPS) device shall be used to
6 document, with as much specificity as the technology permits, the geographic
7 location of the item prior to its collection.

8 (c) Each item collected shall be separately bagged.

9 (d) Each collection bag shall be labeled and shall contain a label noting,
10 at a minimum, the date of collection, the name of the cemetery, the GPS
11 coordinates of the item, and the name of the collector.

12 (5) The following identification procedures shall be undertaken following
13 collection of any human skeletal remains or burial items pursuant to this
14 Section:

15 (a) There shall be affixed to the item a label sufficient to correlate the
16 item to the documentation collected pursuant to Paragraph (4) of this
17 Subsection.

18 (b) To the extent possible, all standard metric and non-metric
19 measurements and observations of the human skeletal remains shall be
20 documented pursuant to the Standards for Data Collection from Human
21 Skeletal Remains or other comparable subsequent set of data collection
22 standards.

23 (c) All human skeletal remains collected pursuant to this Section shall be
24 stored in a secure location at the collecting institution until such time as the
25 cemetery authority undertakes reburials pursuant to this Section.

26 (d) Copies of any and all documents and photographs generated from the
27 collection activities permitted by this Section shall be lodged with the cemetery
28 authority and the office of the attorney general at the time of re-interment of the
29 human skeletal remains and burial items. These documents and photographs

1 shall constitute public records, subject to the limitations set forth in R.S.
2 41:1609 and R.S. 44:4(44).

3 F. The following protocols shall be the responsibility of the cemetery
4 authority:

5 (1) The cemetery authority shall re-inter, at its own cost, the human
6 skeletal remains and burial items collected pursuant to this Section.

7 (2) If analysis leads to the positive identification of any human skeletal
8 remains, such remains shall be re-interred by the cemetery authority, at its own
9 cost, in the grave space associated with the identified individual.

10 (3) In the event that no cemetery authority is identifiable, such human
11 skeletal remains shall be curated by the collecting entity in a manner that
12 conforms to the Louisiana Division of Archaeology curation guidelines. Such
13 human skeletal remains may be re-interred in an unused portion of the subject
14 cemetery pursuant to an order of a court of competent jurisdiction.

15 G. There shall be no liability on the part of, and no action for damages
16 against, any of the following:

17 (1) Any institution, or its agents, employees, or students, for any action
18 undertaken or performed by such person pursuant to this Section when such
19 person is acting without malice and in the reasonable belief that the action
20 taken by him is warranted.

21 (2) Any cemetery owner, cemetery authority, or its agents or employees,
22 for any action undertaken or performed by such person pursuant to this Section
23 when such person is acting without malice and in the reasonable belief that the
24 action taken by him is warranted.

25 (3) Any person, committee, association, organization, firm, or
26 corporation providing information to an institution, cemetery owner, or
27 cemetery authority conducting or permitting collection activities pursuant to
28 this Section, its agents, employees, or students when such a person, committee,
29 association, organization, firm, or corporation providing such information
30 without malice and in the reasonable belief that such information is accurate

1 shall not be held, by reason of having provided such information, to be liable in
2 damages under any law of the state or any political subdivision thereof.

3 (4) The Louisiana Cemetery Board, the Louisiana Division of
4 Archaeology, and the attorney general, and their agents or employees, shall not
5 be liable in damages under any law of the state or any political subdivision for
6 their role in administering portions of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____