Human Skeletal Remains and Burial Site Protection Act Procedures
22-3-801 through 22-3-811, MCA

STEP 1

Discovery on State or Private Land of human remains, burial site, or burial material - **DO NOT DISTURB THE SITE**, contact County Coroner, 22-3-805(1), MCA

Discovery on Federal Land of human remains, burial site, or burial material - **NO STATE JURISDICTION** (See NAGPRA)

STEP 2

After notification, Coroner has 2 working days to determine if crime site and whether or not Title 46, MCA applies, 22-3-805(2), MCA

If a crime scene - Coroner may seize remains as evidence for criminal proceeding, 22-3-805(3), MCA

If more than 2 days are needed to make a determination, Coroner notifies SHPO and Board about length of delay, 22-3-805(2), MCA

STEP 3

If not a crime scene and no forensic examination is necessary, the site is not to be disturbed and the Coroner contacts SHPO within 24 hours (406) 444-7715, 22-3-805 (4), MCA

If SHPO can't be contacted, Coroner notifies Board member or Law Enforcement agency of nearest reservation with 24 hours, 22-3-805(5), MCA

STEP 4

Upon Coroner contact, SHPO has 1 day to contact: (a) Landowner and the Board; or (b) Landowner and the Board member representing nearest reservation, 22-3-805(4), MCA

Board or Law Enforcement Agency immediately notifies landowner and Board Member representing nearest reservation. 22-3-805(5), MCA

STEP 5

Board has 36 hours after notification to designate representative to conduct (by landowner permission) an initial field review, 22-3-805(6), MCA

STEP 6

Board's representative and landowner agree to disposition/resolution, 22-3-805(6), MCA

If no resolution is achieved within 40 days after board notification among Board representatives and the landowner, remains must be removed and control vested with the Board. Board gives control to descendents, tribe, or group most closely affiliated or with aboriginal or historic occupation of area, 22-3-805(7), MCA