

1998 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 106

Requesting the Department of Historic Resources, in cooperation with the Department of Agriculture and Consumer Services, to study the adequacy of Virginia law related to the responsible removal of human remains from archaeological sites and abandoned private cemeteries.

Agreed to by the House of Delegates, February 17, 1998
Agreed to by the Senate, March 10, 1998

WHEREAS, the Commonwealth of Virginia is one of the most historic states in the nation; and
WHEREAS, state law protecting cemeteries and the removal of human remains is below the standards established in other states; and

WHEREAS, there are no permit requirements or established archaeological procedures required in Virginia to ensure appropriate moving of cemeteries in general or identification of the human remains being moved; and

WHEREAS, the only requirement in Virginia law concerning the removal and re-interment of human remains is that they be done with "due care and decency"; and

WHEREAS, there are no established standards in Virginia law setting out a detailed plan or procedure for notifying relatives and other interested parties; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Historic Resources, in cooperation with the Department of Agriculture and Consumer Services, be requested to study the adequacy of Virginia law related to the removal of human remains from archaeological sites and abandoned private cemeteries. The study shall consider (i) minimum standards for the removal of human remains from archaeological sites; (ii) the adequacy of notice to next-of-kin, descendants, and other interested parties; (iii) the laws of other jurisdictions concerning these issues; and (iv) what changes, if any, in Virginia law may be needed.

The Department shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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