

New York State UNMARKED BURIAL SITE PROTECTION ACT



WHAT IS IT?

- The Unmarked Burial Site Protection Act of 2023 establishes a process for the discovery of human remains and funerary objects from unmarked graves (Executive Law § 171).
- Unmarked Native American burial sites are the responsibility of the Native American Burial Site Review Committee pursuant to the statute.
- Non-Native American burial sites are the responsibility of the State Archaeologist.
- Disposition is determined in consultation with lineal descendants or culturally-affiliated groups and the property owner.
- Human remains and objects may only be handled or removed by a professional archaeologist or the State Archaeologist.
- Criminal penalties apply in the event of noncompliance.

WHAT TO DO WHEN HUMAN REMAINS ARE FOUND:

Immediately	Stop all activity that could disturb the site. Notify the coroner or medical examiner immediately by calling 911. Limit public access to the site and do not allow photographs.
Within 4 days	The coroner or medical examiner is mandated to notify the State Archaeologist within 96 hours if the remains are more than 50 years old. Upon receipt of such notification, the State Archaeologist will inform the Native American Burial Site Review Committee.
Within 10 days	The State Archaeologist, or their designee, will evaluate the discovery and issue a report to the Committee and property owner about the status of the burial site. An additional 10 days are allowed if there are multiple remains.

State-mandated protocols apply when an unmarked burial is discovered. ---->