

INDIANA ARCHAEOLOGY LAW QUESTION AND ANSWER SHEET



Q: Are archaeological sites and human burial sites protected in Indiana?

A: YES. The Indiana Historic Preservation Act (IC 14-21-1), as amended by Public Law 175 in 1989, provides protection for archaeological sites and historic burial sites regardless of their location on state or private lands. All archaeological sites with artifacts dating before December 11, 1816, are protected under this act. Human burial sites are afforded protection under IC 14-21-1, IC 14-21-2, IC 23-14 (Indiana General Cemetery Act), and others.

Q: What is an artifact?

A: An "artifact" is defined in IC 14-21-1 as "an object made or shaped by human workmanship before December 11, 1816."

Q: Is it illegal to surface collect artifacts?

A: It is not illegal to collect artifacts from the surface of sites as long as the collector has the landowner's permission to be on the property and collect artifacts.

Q: If I surface collect artifacts, who do they belong to?

A: Artifacts and materials belong to the property owner unless he or she assigns ownership of the materials to another party.

Q: Is it legal to disturb the ground for the purpose of obtaining artifacts or human remains?

A: IC 14-21-1, as amended by Public Law 175 in 1989, makes it clear that no person can disturb archaeological sites with artifacts dating before Dec. 11, 1816 or human remains dating on or before Dec. 31, 1939, without an approved permit from the Indiana Department of Natural Resources (IDNR).

Q: If I see or know of looting of an archaeological site, whom should I contact?

A: Any disturbance, vandalism, or looting of an archaeological site should be reported immediately to either local law enforcement officials (who will then contact Conservation Officers) or the Division of Historic Preservation and Archaeology.

Q: What should I do if I discover human remains or know of disturbance to a human burial site?

A: Any discovery of human remains or possible human remains should be left undisturbed and reported to the IDNR, Division of Law Enforcement, or the IDNR, Division of Historic Preservation and Archaeology as soon as possible.

Q: What happens if a burial or archaeological site before the dates mentioned above is accidentally discovered or encountered by activities such as earthmoving or construction?

A: The individual finding the site or burial must report the discovery to the IDNR within two working days. If they do not report the find or keep disturbing the site, they are breaking the law. When the discovery is reported to IDNR, law enforcement officers and professional archaeologists investigate the discovery and decide on a course of action to protect the site.

Any questions regarding archaeology in Indiana can be directed to the State Archaeologist, Dr. James R. Jones III at:

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