

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 84

BY: FISHER

AS INTRODUCED

AN ACT RELATING TO CEMETERIES AND CRIMES AND

PUNISHMENTS; PROVIDING FOR INGRESS AND EGRESS FOR CERTAIN PURPOSES TO ABANDONED CEMETERIES SURROUNDED BY PRIVATE LAND; DEFINING TERM; REQUIRING FEDERAL AND STATE DEPARTMENTS AND AGENCIES TO TAKE CERTAIN ACTION WHEN ENCOUNTERING BURIAL GROUNDS, HUMAN SKELETAL REMAINS OR BURIAL FURNITURE; REQUIRING STATE HISTORIC PRESERVATION OFFICER TO WORK WITH AGENCY OR DEPARTMENT DIRECTOR UNTIL SATISFACTORY DISPOSITION OF CERTAIN BURIAL GROUNDS, HUMAN SKELETAL REMAINS OR BURIAL FURNITURE IS COMPLETED; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 187 of Title 8, unless there is created a duplication in numbering, reads as follows:

Any person who wishes to visit an abandoned cemetery which is completely surrounded by privately owned land, for which no public ingress or egress is available, shall have the right to reasonable ingress or egress for the purpose of visiting such cemetery. This

right of access to such cemeteries extends only to visitation during reasonable hours and only for purposes usually associated with cemetery visits. For the purposes of this section, "abandoned cemetery" means any place where human skeletal remains are buried and in which no body has been interred for at least twenty-five (25) years.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1168.7 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any federal or state department or agency which, in the performance of its duties, discovers a burial ground, human skeletal remains or burial furniture shall immediately cease any activity which may cause further disturbance of the site and shall report the presence and location of any skeletal remains to an appropriate law enforcement officer as required by Sections 1168 et seq. of Title 21 of the Oklahoma Statutes and shall comply with all other provisions of said sections.

B. If it is determined that the burial ground, human skeletal remains or burial furniture is not directly related to a tribal group, the State Historic Preservation Officer shall work with the director of the federal or state department or agency until disposition of the burial ground, human skeletal remains or burial furniture has been completed to the satisfaction of the State Historic Preservation Officer.

SECTION 3. This act shall become effective September 1, 1991.

43-1-157

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