

New law provides that the legislature finds that the collection and reburial of exposed human skeletal remains in cemeteries done in a controlled, scientific, and respectful manner, is in the best interests of the public.

New law applies only to municipal cemeteries and to cemeteries that do not currently hold a certificate of authority under prior law.

New law provides that upon the identification of human skeletal remains and burial items exposed to the surface in a cemetery subject to new law, the La. Cemetery Board or the attorney general shall make a reasonable attempt to contact the cemetery and demand that such human skeletal remains and burial items be secured and re-interred.

New law provides that upon a failure or refusal of the cemetery authority to comply with a demand made under new law, and with the express written permission of the cemetery authority, the attorney general or students and instructors of institutions of higher education from the disciplines of anthropology, archaeology, biology, and mortuary science may undertake the systematic collection of human skeletal remains and burial items exposed to the surface and at risk of being looted from cemeteries within the state.

New law provides that if written permission of the relevant cemetery authority cannot be reasonably obtained and the exposed human skeletal remains are at risk of being looted, the attorney general may apply to the district court in which the cemetery is located for an order to safeguard the human skeletal remains. Upon the filing of such a petition, the district court shall set the matter for hearing in the manner provided in prior law.

New law provides that the attorney general may collect the exposed human skeletal remains or may delegate that authority to a qualified party according to new law.

New law sets forth procedures and protocols to be followed in undertaking any collection program.

New law sets forth protocols that are the responsibility of the cemetery authority.

New law shields from liability all of the following parties:

1. Any institution, or its agents, employees, or students, for any action undertaken or performed by such person pursuant to new law, when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.
2. Any cemetery owner, cemetery authority, or its agents or employees, for any action undertaken or performed by such person pursuant to new law, when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.
3. Any person, committee, association, organization, firm, or corporation providing information to an institution, cemetery owner, or cemetery authority conducting or permitting collection activities pursuant to new law, its agents, employees, or students when such a person, committee, association, organization, firm, or corporation providing such information without malice and in the reasonable belief that such information is accurate shall not be held, by reason of having provided such information, to be liable in damages under any law of the state or any political subdivision thereof.

New law shields the La. Cemetery Board, the La. Division of Archaeology, and the attorney general, and their agents or employees, from any liability for damages under any law of the state or any political subdivision for their role in administering portions of new law.

Effective August 1, 2012.

(Adds R.S. 8:663)