

# Act 1533 of 1999

**An ACT TO AMEND ARKANSAS CODE ANNOTATED " 13-6-406, 13-6-407, AND 13-6-408 TO INCREASE THE CRIMINAL PENALTIES FOR DISPLAYING HUMAN SKELETAL BURIAL REMAINS AND DESECRATING BURIAL GROUNDS; AND FOR OTHER PURPOSES."**

**Subtitle: "AN ACT TO INCREASE CRIMINAL PENALTIES FOR DISPLAYING HUMAN SKELETAL BURIAL REMAINS AND DESECRATING BURIAL GROUNDS."**

*Be it Enacted by the General Assembly of the State of Arkansas:*

SECTION 1. Arkansas Code Annotated 13-6-406 is amended to read as follows:

"13-6-406. Trade or collecting of remains.

(a) Anyone who knowingly buys, sells, or barter human skeletal burial remains or their associated burial furniture is committing a Class D felony for the first offense and a Class C felony on the second and subsequent offenses.

(b) Artifacts as defined in this subchapter and private collections legally acquired prior to July 15, 1991, are exempted from this section.

(c) Nothing in this subchapter prohibits the collecting of such artifacts by landowners or others who do so with the landowner's permission."

SECTION 2. Arkansas Code Annotated 13-6-407 is amended to read as follows:

"13-6-407. Display of remains.

Anyone who knowingly displays human skeletal burial remains for profit or to aid and abet a commercial enterprise is committing a Class C felony with each day of display being a separate offense."

SECTION 3. Arkansas Code Annotated 13-6-408 is amended to read as follows:

"13-6-408. Desecration of burial grounds and burial furniture.

(a) Anyone who intentionally or knowingly desecrates or permits desecration of a burial ground and associated burial furniture is committing on the first offense a Class D felony and on the second or subsequent offenses, a Class C felony.

(b) The presence in the ground of grave markers, caskets, or casket hardware creates a rebuttable presumption that these are burial furniture and of the existence or presence of a human burial ground.

(c) Exempted from this section is disturbance of human skeletal burial remains or burial furniture by landowners or agricultural tenants as a consequence of agricultural activity."

SECTION 4. All provisions of the Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

---

**FELONIES FOR UNMARKED BURIAL ACT VIOLATIONS:**

- **The penalty for a D felony is no more than 6 years in the Arkansas Department of Corrections. Minimum penalty could be as light as probation.**
- **The penalty for a C felony is no less than 3 years nor more than 10 years in the Arkansas Department of Correction.**