

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3108. Excavation for or Removal of Human Remains.

(a) It is unlawful for any person to excavate, dig or look for the remains of a human body without a permit as provided by this section.

(b) Any person who desires to dig, excavate or search for human remains shall first obtain a permit from the Director of Public Health and Environmental Services with concurrent approval by the Commonwealth Historic Preservation Officer and the mayor of the senatorial district. If there is a deadlock in obtaining the “concurrent approval” by the latter two officials, the Governor shall make the final determination. All permits issued under this section shall contain the name of the applicant, name of remains to be removed (if known), area from which the remains are to be removed, and the area to which such removal is sought. A permit shall be required for removal of remains from both public and private land within the Commonwealth; provided, that removal of remains from leased lands under the control of the United States shall be made only with the approval of the United States.

(c) Excavation for the purposes of locating and removing human remains shall be subject to the restrictions and other conditions of rules and regulations or any other applicable legal authority.

(d) It is unlawful for any person to remove any part or the whole body of a dead human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same or to dissect it, or for any other reason other than for burial.

Source: MIDC §§ 9.16.010-9.16.030; amended by PL 3-33, §§ 1-3, PL 3-76, §§ 1, 2, modified.

Commission Comment: With respect to the reference to the “Director of Public Health and Environmental Services,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.