

# Discovered Human Remains

Laws, Procedure, and Identification

## James T. Watson, Ph.D.

Associate Director, Arizona State Museum

Associate Curator of Bioarchaeology, Arizona State Museum

Associate Professor, School of Anthropology

University of Arizona



THE UNIVERSITY OF ARIZONA

**ARIZONA  
STATE MUSEUM**

## The Legal Framework: State versus Federal

- State
  - Statute
  - Rule



- Federal
  - Code (USC)
  - Regulation (CFR)



THE UNIVERSITY OF ARIZONA

**ARIZONA  
STATE MUSEUM**

# ASM's Authority Regarding Human Remains Discoveries

## Arizona Revised Statutes

In 1990, the Arizona Legislature mandated that Arizona State Museum respond to discoveries of human remains on state land under **A.R.S. §41-844** and private land under **A.R.S. §41-865**. Responses include notification to all individuals with a direct kinship relationship to the human remains and all groups with cultural or religious affinity to the human remains.



## Rules

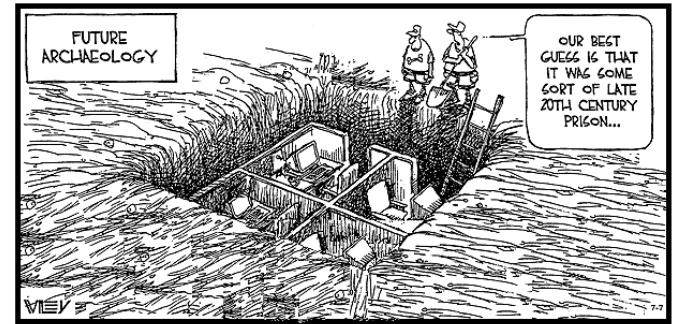
Rules were developed by stakeholders and then approved adopted by the Arizona Board of Regents (ABOR) on June 7, 1991. The Rules are published as Chapter 8 in the ABOR Policy Manual.



THE UNIVERSITY OF ARIZONA

**ARIZONA  
STATE MUSEUM**

## State Land



- A.R.S. §41-841
  - A person cannot knowingly excavate an archaeological site unless permitted under A.R.S. §41-842.
  
- A.R.S. §41-843
  - A person cannot deface or otherwise alter any archaeological site permitted under A.R.S. §41-842.
  
- A.R.S. §41-844
  - A person in charge of any survey, excavation, construction or other like activity **must report to ASM the discovery of human remains**, funerary objects, sacred ceremonial objects, and objects of national or tribal patrimony that are 50 years old or older.
  
- A.R.S. §13-3702.01
  - A person who knowingly excavates in violation of §41-841 without a permit is guilty of a class 5 felony.
  
  - A person who knowingly collects human remains in violation of §41-841 is guilty of a class 1 misdemeanor.

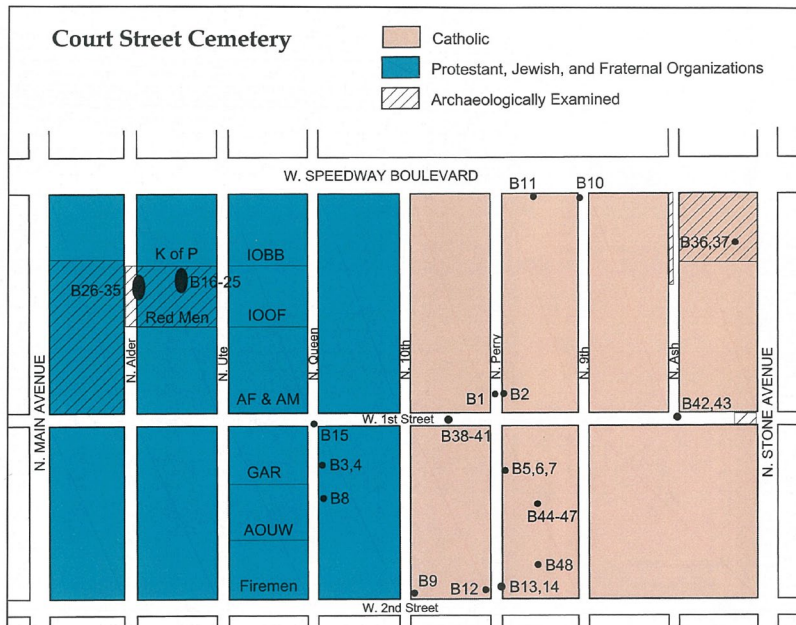


THE UNIVERSITY OF ARIZONA

**ARIZONA  
STATE MUSEUM**

# Private Land

- A.R.S. §41-865
  - A person cannot intentionally disturb human remains or funerary objects that are 50 years older or older without written permission from ASM.
  - A person who unintentionally disturbs human remains or funerary objects that are 50 years old or older **must report the disturbance to ASM** and cannot further disturb the human remains without written permission from ASM.
  - A person who intentionally possesses, sells, or transfers any human remains or funerary objects that were removed in violation of the preceding subsections is guilty of a class 5 felony.



## Process

- Leave bone in place.
- Identification.
- Assess the circumstances.
- Consult and/or report to ASM.

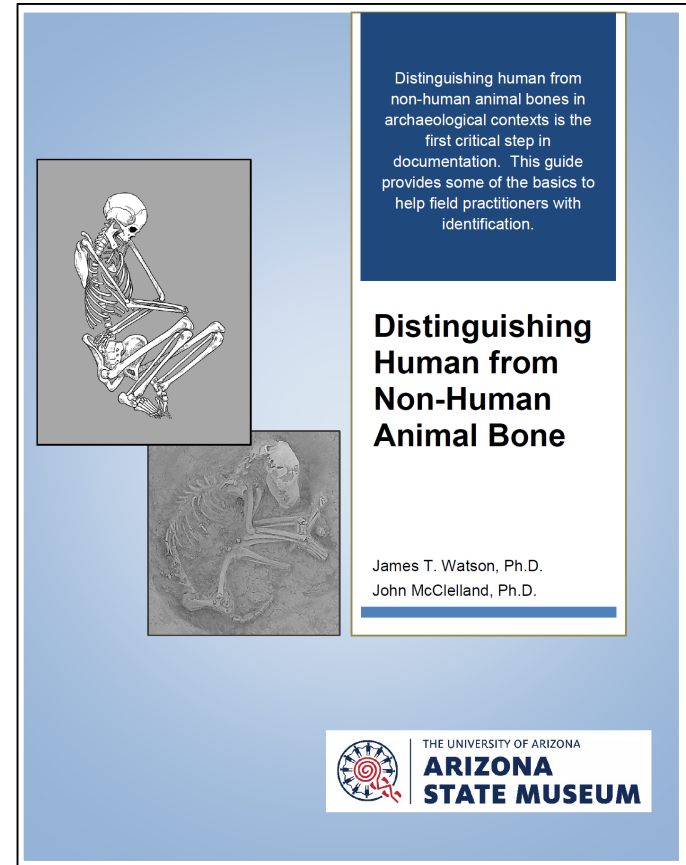




# Identifying Human Remains (vs. Animal Remains)

- 1) Gross skeletal anatomy
- 2) Bone macrostructure
- 3) Bone microstructure (histology)

<https://statemuseum.arizona.edu/crm/document/distinguishing-human-from-animal-bone>



# Questions?

## Contact Info:

James Watson  
Arizona State Museum  
University of Arizona  
Tucson, AZ

Email: [watsonjt@email.arizona.edu](mailto:watsonjt@email.arizona.edu)

Office: (520) 621-4794



THE UNIVERSITY OF ARIZONA

**ARIZONA  
STATE MUSEUM**

