

Laws Regarding Cemeteries in Indiana

IC 14-21-1-2

Defines an artifact as an object made, modified, or used before December 31, 1870.

IC 14-21-1-3

Defines burial ground as ground where there are human remains including the area that is either marked by a visible boundary or determined by the Division of Historic Preservation and Archaeology.

IC 14-21-1-4

Defines burial object as any thing intentionally placed in a burial ground at or near the time of burial.

IC 14-21-1-13.5

Authorizes the Division of Historic Preservation and Archaeology to conduct a survey program of every cemetery and burial ground in Indiana

IC 14-21-1-7

Defines human remains

IC 14-21-1-24 and IC 35-43

Makes it illegal to farm or conduct animal husbandry in a cemetery

IC 14-21-1-26.5

A person may not disturb the ground within 100 feet of a burial ground for the purpose of erecting, altering or repairing any structure or for excavating or covering over the ground without having a development plan approved by Department of Natural Resources – Division of Historic Preservation and Archaeology. While the word cemetery has been taken out of this law (and only uses burial ground) this law still impacts all “cemeteries.”

IC 14-21-1-27

A person finding human remains must notify the Division of Historic Preservation and Archaeology within two days. Reburial will in compliance with state laws.

IC 14-21-1-28

Makes it illegal to disturb the ground for the purpose of discovering or removing artifacts, burial objects, grave markers, or human remains without a plan with the Division of Historic Preservation and Archaeology. An administrative rule allows for non-scientific investigation in a cemetery to allow for probing in order to conduct tombstone preservation.

IC 14-21-1-29

If you find an artifact, notification of our department must be within two days.

IC 14-21-2

Discusses removal of grave memorial with a new stone must be reported to the County Recorder; Makes selling grave artifacts illegal

IC 14-21-3

Before a person buys property containing a cemetery, the current owner must record the deed in the recorder's office with CEMETERY in bold, capital letters on the bottom of the deed

IC 23-14

Defines a cemetery, discusses care of cemeteries in use, surveys of cemeteries, and other aspects of cemeteries in use.

IC 23-14-57

Describes how cemeteries and human remains are disinterred

IC 23-14-67

Discusses the creation of Cemetery Commissions at the county level

IC 23-14-68

Care of Cemetery by Township

- *Cemeteries without funds for maintenance
- *In Existence before February 28, 1939
- *Not managed by any viable organizations
- *Taxes not being paid on the property

Defines what the Township Trustee must do

- *Reset and straighten all monuments
- *Level and seed the ground
- *Construct fences
- *Destroy detrimental plant, noxious weed, and rank vegetation

IC 6-1.1-6.8

A person with a cemetery on his/her land may have the value of the land (where the cemetery is located) assessed for \$1.00 per acre.

IC 35-43

Criminal Mischief - allows for a person to be convicted under the criminal mischief law if they vandalize a cemetery

These are just snippets of the laws. To see the entire law, go to <http://www.in.gov/legislative/iac/>, put in the code and the law will be displayed.

For more information on the preservation of cemeteries, the locations of cemeteries, or the protection of these sites, contact the Indiana Division of Historic Preservation and Archaeology at 317/232-1646.

