

2 New Hampshire Burial Laws

In the laws of New Hampshire (the Revised Statutes Annotated, or RSA for short) there are several chapters that deal with cemeteries and human remains. Three are particularly pertinent here.

RSA 227-C:8 a-g is the set of statutes that defines the duties of the Division of Historical Resources. Among those duties are the responsibilities of the State Archaeologist to: 1) oversee the excavation and analysis of unmarked human burials discovered in the course of construction activities, 2) attempt to contact any individuals or groups with an interest in such remains, and 3) manage the disposition of these remains once they are excavated and analyzed.

RSA 289 deals with cemeteries but more important here is **RSA 290** which deals with burials and reinterments. Specifically, this statute makes it illegal, under most circumstances, to disinter a human body without a permit. Such a disinterment is a misdemeanor, but it is important to note that the *accidental* discovery of buried human remains is not a crime.

RSA 635 is a part of the NH Criminal Code enacted by the 1987 legislature. This provision sets out the circumstances under which it is permitted to alter or remove cemetery items and/or the remains they mark. Such disturbances require written permission from those with rights to the burial ground, when they can be found, or from the local governing body if owners or descendants cannot be found. This statute also prohibits the possession or sale of tombstones and other objects from cemeteries. Violation of this law is a class B felony.

Contact Information

Richard A. Boisvert, State Archaeologist
NH Division of Historical Resources
19 Pillsbury Street, 2nd Floor
Concord, NH 03301-3570

603-271-6433

richard.a.boisvert@der.nh.gov

www.nh.gov/hdhr/

WHAT TO DO UPON ENCOUNTERING HUMAN REMAINS

**Before or During
Land-Altering Activities
in
New Hampshire**

A guide for planners, builders, landowners,
developers, and local governments



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources
19 Pillsbury Street, Concord, NH 03301-3570
TDD Access: Relay NH 1-800-735-2964
www.nh.gov/hdhr

603-271-3483
603-271-3558
FAX 603-271-3433
preservation@der.nh.gov

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