
OHIO HISTORY CONNECTION

- Requires burial sites used by the Ohio History Connection (OHC) for the repatriation of American Indian remains to have an easement, enforceable by OHC, to preserve the burial sites.
- Exempts records related to such burial sites from disclosure under the Ohio Public Records Act, and excludes them from the 75-year disclosure requirement.
- Explicitly includes such burial sites in the criminal offenses of desecration and vandalism.

Burial sites

(R.C. 149.3010, 149.43, 2909.05, and 2927.11)

Continuing law allows the Ohio History Connection (OHC) to use land under its control as burial sites for repatriating American Indian human remains; the land must be owned or leased (as lessee or lessor) by OHC, or owned by the state and under OHC's custody and control. The bill requires OHC – for any burial site established on or after the bill takes effect – to include a perpetual easement to preserve the land as a burial site. For each burial site established before the bill's effective date, OHC must include a perpetual easement if legally feasible. The easement is enforceable by OHC or by any person assigned by OHC.

The bill also exempts records related to such burial sites from disclosure under the Ohio Public Records Act, which generally requires public offices to make public records available for inspection upon request. The records also are excluded from the 75-year disclosure requirement that makes an exempt record public after 75 years if that record is permanently retained.

Finally, the bill explicitly includes such burial sites in the criminal offenses of desecration (to purposely deface, damage, pollute, or otherwise physically mistreat; a felony) and vandalism (to knowingly cause serious physical harm; a misdemeanor).