

Deadline Approaching to Begin Process to Repatriate Collections of Native American Remains and Cultural Items

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Assembly Bill (AB) 275 was passed and signed by Governor Newsom on September 25, 2020. AB 275 strengthens existing law that requires state-funded institutions, including cities, counties, school districts, higher educational institutions, and museums (“agencies”), to repatriate collections of Native American human remains and artifacts in their possession or under their control to culturally affiliated California Native American tribes. AB 275 became law on January 1, 2021, and agencies have until **January 1, 2022**, to complete their preliminary inventory of Native American remains and artifacts.

Background

AB 275 builds upon the California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA) by strengthening and clarifying the process for repatriating California Native American remains and artifacts held by various agencies. CalNAGPRA established requirements for the protection of Native American graves and the treatment and return of Native American remains and artifacts from agency collections. The purpose of the bill is to provide a process by which a California Indian tribe can request the return of remains and artifacts. “This bill will help preserve our tribal culture and ensure Native American tribes have the opportunity to pay honor and respect to our ancestors and elders,” said the bill’s author, Assemblymember James C. Ramos.

Changes under AB 275

- Expands the definition of “California Indian tribe” to include both a tribe that meets the federal definition of Native American tribe as well as non-federally recognized tribes located in California and on the Native American Commission Heritage list.
- Revises the process by which California tribes or direct lineal descendants can request the return of remains and artifacts including specific, preemptive requirements for agencies.
- Revises the process of creating inventories and summaries and requires consultation with California Indian tribes during the creation of preliminary inventories.

- Requests that agencies that have significant interaction with tribal issues, peoples, or lands designate one or more liaisons for the purpose of engaging in consultation with California Indian tribes on the contact list maintained by the Native American Heritage Commission (Commission).

Other Requirements Under AB 275

All agencies that receive state funds are required by January 1, 2022, to complete a preliminary inventory of California Indian remains and artifacts. An agency that determines it has no qualifying remains or artifacts must still inform the Commission of this fact in writing. It may not be clear whether Native American objects qualify as remains or artifacts, so all collections of Native American ethnographic or archaeological objects should be included in the preliminary inventory.

Following the completion of the preliminary inventory, agencies are required to consult with applicable tribes, to finalize the inventory, and to arrange repatriation of remains and artifacts as appropriate. The Bill sets forth detailed requirements for the information to be included in the preliminary inventory and the process for consultation, repatriation, and dispute resolution.

Takeaways

All agencies and museums that receive state funds are required, by January 1, 2022, to complete a preliminary inventory of all ethnographic or archaeological objects that may be Native American remains or artifacts. Even if an agency determines that it has no qualifying remains or artifacts, it must still inform the Commission in writing. Following submission of the preliminary inventory, agencies will be required to consult with tribes, and to arrange repatriation as appropriate. Many local agencies, school districts, higher education institutions likely have Native American remains or artifacts as defined in AB 275 without knowing it. It is important to review your agency/institution's possessions to complete the required preliminary inventory in advance of the statutory deadline to ensure compliance.

If you have any questions about AB 275, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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