



2025 ASSEMBLY BILL 358

July 8, 2025 - Introduced by Representatives CALLAHAN, BEHNKE, DITTRICH, DONOVAN, GUNDRUM, MAXEY, MOSES and PIWOWARCZYK, cosponsored by Senator JAMES. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to amend* 157.70 (2r); *to create* 157.70 (1) (cg), 157.70 (3) (c), 440.03
2 (18) and 440.905 (3) of the statutes; **relating to:** requiring reports on
3 disturbed burial sites.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may disturb a burial site or catalogued land contiguous to a catalogued burial site. Any person who knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed must immediately notify the director of the State Historical Society. A burial site is any place where human remains are buried. Under current law, the director of SHS must identify burial sites and sufficient contiguous land necessary to protect burial sites from disturbance. After collecting sufficient evidence, and holding a hearing if requested by a person who owns or leases land on which a burial site is located, the director of SHS must record a burial site and contiguous land necessary to protect the burial site in the catalog of burial sites.

This bill clarifies that lawful maintenance is not a prohibited disturbance and requires any person who knows or has reasonable grounds to believe that a burial site within a cemetery or the catalogued land contiguous to a catalogued burial site within a cemetery is disturbed or may be disturbed in violation of law to report the disturbance or potential disturbance as soon as reasonably possible to the local police department or county sheriff's office. Each sheriff and police department

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must then prepare a report for each disturbance or potential disturbance reported and send a copy of the report to the Burial Sites Preservation Board and the Cemetery Board. The bill requires the Department of Safety and Professional Services to prescribe a form to be used by each sheriff and police department to report each disturbance or potential disturbance. Further, the bill requires the Cemetery Board to receive reports from each sheriff and police department, review each report received during the previous calendar year at the board's first annual meeting, and annually submit a report to DSPS listing each report received by the board during the previous calendar year and the address, municipality, and county in which the disturbance or potential disturbance described in each report allegedly occurred.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 157.70 (1) (cg) of the statutes is created to read:

157.70 (1) (cg) "Cemetery" has the meaning given in s. 157.061 (1p).

SECTION 2. 157.70 (2r) of the statutes is amended to read:

157.70 (2r) SITE DISTURBANCE PROHIBITED. Except as provided under subs. (4) and (5) and ss. 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or cataloged land contiguous to a cataloged burial site. This subsection does not prohibit normal agricultural ~~or~~ practices, normal silvicultural practices which, or lawful maintenance if the practices or maintenance do not disturb the human remains in a burial site or the surface characteristics of a burial site.

SECTION 3. 157.70 (3) (c) of the statutes is created to read:

157.70 (3) (c) 1. Any person who knows or has reasonable grounds to believe that a burial site within a cemetery or the catalogued land contiguous to a catalogued burial site within a cemetery is disturbed or may be disturbed in

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1 violation of sub. (2r) shall report the disturbance or potential disturbance as soon as
2 reasonably possible to the local police department or county sheriff's office.

3 2. Each sheriff and police department in the state shall prepare a report for
4 each disturbance or potential disturbance reported under subd. 1. and shall send a
5 copy of the report to the board and to the cemetery board.

6 **SECTION 4.** 440.03 (18) of the statutes is created to read:

7 440.03 (18) The department shall prescribe a form to be used by local police
8 departments and county sheriff's offices to report disturbances or potential
9 disturbances to the burial sites preservation board and the cemetery board under s.
10 157.70 (3) (c). The form shall include spaces to list the property address and the
11 municipality in which the disturbance or potential disturbance occurred.

12 **SECTION 5.** 440.905 (3) of the statutes is created to read:

13 440.905 (3) (a) The board shall receive reports from sheriff's offices and police
14 departments prepared under s. 157.70 (3) (c) 2. At the first board meeting each
15 calendar year, the board shall review all reports received from the previous
16 calendar year and shall publish each report on the board's website.

17 (b) Annually, no later than March 1, the board shall submit a report to the
18 department listing each report received under this subsection during the previous
19 calendar year and the address, municipality, and county in which the disturbance
20 or potential disturbance described in each report allegedly occurred.

21 (END)