



SENATE BILL No. 1149

September 17, 1996, Introduced by Senators NORTH, KOIVISTO, CISKY and STILLE and referred to the Committee on Local, Urban and State Affairs.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 160a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 160a to read as follows:

4 SEC. 160A. (1) SUBJECT TO SUBSECTION (2), A PERSON SHALL
5 NOT KNOWINGLY PHOTOGRAPH OR PUBLICLY DISPLAY A PHOTOGRAPH OF ALL
6 OR A PORTION OF A DECEDENT LOCATED IN A HUMAN GRAVE.

7 (2) SUBSECTION (1) DOES NOT APPLY TO A PERSON ACTING
8 PURSUANT TO A COURT ORDER, TO A PERSON WHO HAS OBTAINED THE
9 WRITTEN CONSENT OF THE DECEDENT'S NEXT OF KIN, OR TO A PERSON WHO

1 PHOTOGRAPHS OR PUBLICLY DISPLAYS A PHOTOGRAPH DESCRIBED IN
2 SUBSECTION (1) FOR LAW ENFORCEMENT, MEDICAL, OR SCIENTIFIC
3 PURPOSES.

4 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
6 NOT MORE THAN \$5,000.00, OR BOTH.

7 (4) AS USED IN THIS SECTION:

8 (A) "BOTTOMLANDS" AND "GREAT LAKES" MEAN THOSE TERMS AS
9 DEFINED IN SECTION 76101 OF PART 761 (ABORIGINAL RECORDS AND
10 ANTIQUITIES) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
11 TION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION
12 324.76101 OF THE MICHIGAN COMPILED LAWS.

13 (B) "DECEDENT" MEANS A DEAD HUMAN BEING.

14 (C) "HUMAN GRAVE" MEANS ANY OF THE FOLLOWING:

15 (i) THE SITE INTENDED FOR THE PERMANENT INTERMENT OF ALL OR
16 A PORTION OF A DECEDENT.

17 (ii) A LOCATION THAT CONTAINS ALL OR A PORTION OF A DECEDENT
18 WHO DIED IN AN ACCIDENT OR DISASTER AND FROM WHICH IT IS IMPRAC-
19 TICABLE OR NOT INTENDED TO REMOVE ALL OR A PORTION OF THE
20 DECEDENT. A LOCATION UNDER THIS SUBPARAGRAPH INCLUDES A SHIP-
21 WRECK AND THE BOTTOMLANDS OF THE GREAT LAKES UPON WHICH ALL OR A
22 PORTION OF A DECEDENT IS LOCATED, AND A MINE OR OTHER UNDERGROUND
23 LOCATION WITHIN WHICH ALL OR A PORTION OF A DECEDENT IS LOCATED.

24 (D) "PHOTOGRAPH" INCLUDES AN IMAGE ON VIDEOTAPE, MOTION PIC-
25 TURE OR OTHER FILM, OR AN IMAGE CAPTURED BY DIGITAL MEANS.