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NO PUBLIC DISPLAY OF AUTOPSY PHOTOS

House Bill 5417

Sponsor: Rep. Rose Bogardus

Committee: Judiciary

Complete to 3-20-98

A SUMMARY OF HOUSE BILL 5417 AS INTRODUCED 12-4-97

The Crime Victim's Rights Act defines "victim" to mean generally "an individual who suffers direct or threatened physical, financial, or emotional harm as the result of the commission of a crime" or, if the victim is dead, his or her spouse, parent, child, sibling, grandparent, or guardian. The bill would amend the act to prohibit the release or public display of autopsy photographs -- including those, for example, of drunk drivers who were killed in the course of an accident caused by their driving drunk -- without permission from the dead person's family or if the release or publication were related to the investigation or prosecution of a criminal case.

More specifically, the bill would add three new sections of the act prohibiting the release or public display of an autopsy photograph of a "victim" unless either (a) the victim's next of kin specifically provided written authorization for the release or publication of the autopsy photograph, or (2) the release or publication of the autopsy photograph was for a purpose related to the investigation or prosecution of a criminal case. For purposes of the bill, "victim" would include a defendant or criminal suspect (section 26), a juvenile offender or suspected juvenile offender (section 53), or an individual who committed or was suspected of having committed a serious misdemeanor (section 85). Someone injured by a violation of the bill's provisions could sue to recover \$1,000 or actual damages, whichever were greater, plus costs and reasonable attorney fees.

MCL 780.7526 et al.

Analyst: S, Ekstrom

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