
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 305 (as introduced 3-13-97)
Sponsor: Senator Walter H. North
Committee: Local, Urban and State Affairs

Date Completed: 4-7-97

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from knowingly photographing or publicly displaying a photograph of all or a portion of a decedent (a dead human being) located in a human grave, except under certain circumstances. A person who violated the prohibition would be guilty of a felony punishable by imprisonment for up to two years and/or a fine of up to \$5,000.

The prohibition would not apply to a person acting pursuant to a court order, to a person who had obtained the written consent of the decedent's next of kin, or to a person who photographed or publicly displayed such a photograph for law enforcement, medical, or scientific purposes.

Under the bill, "photograph" would include an image on videotape, motion picture or other film, or an image captured by digital means. "Human grave" would mean the site intended for the permanent interment of all or a portion of a decedent and a location that contained all or a portion of a decedent who died in an accident or disaster and from which it was impracticable or not intended to remove all or a portion of the decedent. A location under this provision would include a shipwreck and the bottomlands of the Great Lakes upon which all or a portion of a decedent was located, and a mine or other underground location within which all or a portion of a decedent was located. "Bottomlands" and "Great Lakes" would mean those terms as defined in Part 761 (Aboriginal Records and Antiquities) of the Natural Resources and Environmental Protection Act.

Proposed MCL 750.160a

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill could result in increased costs for apprehending, prosecuting, and sanctioning violators of the bill's new provisions. While there is no information currently available on the expected number of new violators, and therefore, the level of increased costs associated with the bill, it is not expected to be significant.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.