
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4523 (Substitute S-4 as reported)
Sponsor: Representative Pat Gagliardi
House Committee: Tourism
Senate Committee: Transportation and Tourism

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. The prohibition would not apply to a person who acted pursuant to a court order, who had obtained the written consent of a decedent's next of kin if the decedent's death occurred less than 100 years before the photographing or public displaying, or who photographed or publicly displayed a photograph for law enforcement, medical, archaeological, or scientific purposes.

"Photograph" would include an image on videotape, motion picture or other film, or an image captured by digital means. "Human grave" would mean a site in the State intended for the permanent interment of all or a portion of a decedent; and a location in the State, including the bottomlands of the Great Lakes, 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 would include a shipwreck and a site in the immediate vicinity of a shipwreck in 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.

The bill would take effect October 1, 1997, and is tie-barred to Senate Bill 305, which would prohibit photographing or publicly displaying a photograph of all or a portion of decedent in a human grave, except under certain circumstances, and would establish felony penalties for violations of the bill.

Proposed MCL 750.160a

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-9-97

Fiscal Analyst: M. Hansen