

HOUSE BILL No. 5417

December 4, 1997, Introduced by Reps. Bogardus, Callahan, Brown, Schauer, Rison, Quarles, Hale, Goschka, Scott, Cherry and LaForge and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled
"Crime victim's rights act,"
(MCL 780.751 to 780.834) by adding sections 26, 53, and 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 26. (1) A PERSON SHALL NOT RELEASE OR MAKE PUBLIC AN
2 AUTOPSY PHOTOGRAPH OF A VICTIM UNLESS 1 OF THE FOLLOWING CONDI-
3 TIONS IS MET:

4 (A) THE VICTIM'S NEXT OF KIN SPECIFICALLY PROVIDES WRITTEN
5 AUTHORIZATION FOR THE RELEASE OR PUBLICATION.

6 (B) THE RELEASE OR PUBLICATION IS FOR A PURPOSE RELATED TO
7 THE INVESTIGATION OR PROSECUTION OF A CRIMINAL CASE.

8 (2) AS USED IN THIS SECTION ONLY, "VICTIM" INCLUDES A
9 DEFENDANT OR CRIMINAL SUSPECT.

1 (3) A PERSON INJURED AS A RESULT OF A VIOLATION OF THIS ACT
2 MAY BRING AN ACTION TO RECOVER \$1,000.00 OR ACTUAL DAMAGES,
3 WHICHEVER IS GREATER, PLUS COSTS AND REASONABLE ATTORNEY FEES.

4 SEC. 53. (1) A PERSON SHALL NOT RELEASE OR MAKE PUBLIC AN
5 AUTOPSY PHOTOGRAPH OF A VICTIM UNLESS 1 OF THE FOLLOWING CONDI-
6 TIONS IS MET:

7 (A) THE VICTIM'S NEXT OF KIN SPECIFICALLY PROVIDES WRITTEN
8 AUTHORIZATION FOR THE RELEASE OR PUBLICATION.

9 (B) THE RELEASE OR PUBLICATION IS FOR A PURPOSE RELATED TO
10 THE INVESTIGATION OR PROSECUTION OF A CRIMINAL CASE.

11 (2) FOR PURPOSES OF THIS SECTION ONLY, "VICTIM" INCLUDES A
12 JUVENILE OFFENDER OR SUSPECTED JUVENILE OFFENDER.

13 (3) A PERSON INJURED AS A RESULT OF A VIOLATION OF THIS ACT
14 MAY BRING AN ACTION TO RECOVER \$1,000.00 OR ACTUAL DAMAGES,
15 WHICHEVER IS GREATER, PLUS COSTS AND REASONABLE ATTORNEY FEES.

16 SEC. 85. (1) A PERSON SHALL NOT RELEASE OR MAKE PUBLIC AN
17 AUTOPSY PHOTOGRAPH OF A VICTIM UNLESS 1 OF THE FOLLOWING CONDI-
18 TIONS IS MET:

19 (A) THE VICTIM'S NEXT OF KIN SPECIFICALLY PROVIDES WRITTEN
20 AUTHORIZATION FOR THE RELEASE OR PUBLICATION.

21 (B) THE RELEASE OR PUBLICATION IS FOR A PURPOSE RELATED TO
22 THE INVESTIGATION OR PROSECUTION OF A CRIMINAL CASE.

23 (2) FOR PURPOSES OF THIS SECTION ONLY, "VICTIM" INCLUDES AN
24 INDIVIDUAL WHO COMMITTED OR IS SUSPECTED OF HAVING COMMITTED A
25 SERIOUS MISDEMEANOR.

1 (3) A PERSON INJURED AS A RESULT OF A VIOLATION OF THIS ACT
2 MAY BRING AN ACTION TO RECOVER \$1,000.00 OR ACTUAL DAMAGES,
3 WHICHEVER IS GREATER, PLUS COSTS AND REASONABLE ATTORNEY FEES.