

Act No. 62  
Public Acts of 1997  
Approved by the Governor  
July 6, 1997  
Filed with the Secretary of State  
July 7, 1997  
EFFECTIVE DATE: October 1, 1997

**STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1997**

Introduced by Reps. Gagliardi, Bodem and Prusi

# **ENROLLED HOUSE BILL No. 4523**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 160a.

*The People of the State of Michigan enact:*

Sec. 160a. (1) Subject to subsection (2), a person shall not knowingly photograph or publicly display a photograph of all or a portion of a decedent located in a human grave.

(2) Subsection (1) does not apply to a person acting pursuant to a court order, to a person who has obtained the written consent of the decedent's next of kin if the decedent's death occurred less than 100 years before the photographing or public displaying, or to a person who photographs or publicly displays a photograph described in subsection (1) for law enforcement, medical, archaeological, or scientific purposes.

(3) As used in this section:

(a) "Bottomlands of the Great Lakes" means bottomlands as that term is defined in section 76101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76101.

(b) "Decedent" means a dead human being.

(c) "Human grave" means any of the following:

(i) A site in this state intended for the permanent interment of all or a portion of a decedent.

(ii) A location in this state, including the bottomlands of the Great Lakes, that contains all or a portion of a decedent who died in an accident or disaster and from which it is impracticable or not intended to remove all or a portion of the decedent. A location under this subparagraph includes a shipwreck and a site in the immediate vicinity of a shipwreck in which all or a portion of a decedent is located, and a mine or other underground location within which all or a portion of a decedent is located.

(d) "Photograph" includes an image on videotape, motion picture or other film, or an image captured by digital means.

Enacting section 1. This amendatory act takes effect October 1, 1997.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 305 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.