



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4249 (Substitute H-3 as passed by the House)
Sponsor: Representative John Gleason
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-8-03

CONTENT

The bill would amend the Public Health Code to prohibit a person from publicly displaying an autopsy photograph of a deceased human being that identified the decedent by name, face, or other identifying physical features. A decedent's parent, surviving spouse, and children, who were injured as a result of a violation of the bill, could bring an action in court to recover \$1,000 or actual damages, whichever was greater, plus costs and reasonable attorney fees. ("Autopsy photograph" would mean an image of a decedent obtained during an autopsy of that decedent in Michigan and would include an image on videotape, motion picture, or other film, or an image captured by digital means.)

The prohibition would not apply if one of the following individuals specifically provided written authorization of the public display of an autopsy photograph:

- The decedent's parent, surviving spouse, guardian, personal representative, or next of kin.
- An individual charged by law with the responsibility of burial or cremation of the decedent's body, if one of the individuals listed above could not be identified or located following a diligent and good faith effort to do so.

The prohibition also would not apply if the public display of an autopsy photograph were one of the following:

- For a purpose directly related to the investigation or prosecution of a criminal case, upon written authorization by the prosecuting attorney having jurisdiction.
- Authorized by a court for a purpose directly related to the proceedings in a civil case.
- Required for a health department to carry out its lawful duties.
- Necessary for legitimate research or teaching of medical, public health, or public safety personnel or students enrolled at a postsecondary educational institution.

Proposed MCL 333.2855a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bethany Wicksall

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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.