

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXVI

DEAD HUMAN BODIES

750.160 Disinterment, mutilation, defacement, or carrying away of human body; exception.

Sec. 160. A person, not being lawfully authorized so to do, who shall wilfully dig up, disinter, remove, or convey away a human body, or the remains thereof, from the place where the body may be interred or deposited, or who shall knowingly aid in such disinterment, removal, or conveying away, or who shall mutilate, deface, remove, or carry away a portion of the dead body of a person, whether in his charge for burial or otherwise, whenever the mutilation, defacement, removal, or carrying away is not necessary in any proper operation in embalming the body or for the purpose of a postmortem examination, and every person accessory thereto, either before or after the fact, shall be guilty of a felony, punishable by imprisonment for not more than 10 years, or by fine of not more than \$5,000.00. This section shall not be construed to prohibit the digging up, disinterment, removal or carrying away for scientific purposes of the remains of prehistoric persons by representatives of established scientific institutions or societies, having the consent in writing of the owner of the land from which the remains may be disinterred, removed or carried away.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.160;—Am. 1974, Act 168, Imd. Eff. June 23, 1974.

Former law: See section 21 of Ch. 158 of R.S. 1846, being CL 1857, § 5876; CL 1871, § 7711; How., § 9297; CL 1897, § 11710; CL 1915, § 15484; CL 1929, § 16836; Act 158 of 1879; Act 251 of 1919; and Act 256 of 1929.

750.160a Photograph of decedent located in human grave prohibited; exceptions; definitions.

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.

History: Add. 1997, Act 62, Eff. Oct. 1, 1997.

750.160b Violation of MCL 750.160a as felony; penalty.

Sec. 160b. A person who violates section 160a is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

History: Add. 1997, Act 63, Eff. Oct. 1, 1997.

750.160c Prohibited acts; violation; exceptions; "final disposition of a dead body" defined.

Sec. 160c. (1) A person shall not do any of the following:

(a) After agreeing to provide the services of a funeral director, fail or refuse to properly supervise the final disposition of that dead human body.

(b) After agreeing to provide for the final disposition of a dead human body, fail or refuse to properly dispose of that dead human body.

(2) A person who violates this section is guilty of a crime as follows:

(a) If the failure or refusal to properly supervise the final disposition of a dead human body or the failure or refusal to properly dispose of the dead human body occurs more than 60 days but not more than 180 days

after the date the person takes possession of the dead human body, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$10,000.00, or both.

(b) If the failure or refusal to properly supervise the final disposition of a dead human body or the failure or refusal to properly dispose of the dead human body occurs more than 180 days after the date the person takes possession of the dead human body, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$50,000.00, or both.

(3) It is not a violation of this section if the failure or refusal is due to 1 or more of the following factors:

(a) Delays due to seasonal factors relating to the method of final disposition of the dead human body.

(b) Delays due to the availability of services required to complete the final disposition of the dead human body.

(c) The directives of the person having lawful authority over final disposition of the dead human body to postpone that disposition pending funeral services, the presence of certain family members, or other activities.

(d) Delays due to the inability to obtain the necessary authorizations regarding the method of final disposition of the dead human body or due to the inability to locate individuals essential to making a decision regarding the final disposition of the dead human body.

(e) Delays due to an autopsy, investigation of the cause of death, the gathering of evidence, or other activity or procedure required by a governmental or law enforcement agency.

(f) Delays pursuant to an order issued by a court of competent jurisdiction upon petition and showing of good cause for a delay in the final disposition of a dead human body.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

(5) As used in this section, "final disposition of a dead human body" means cremation, burial, entombment, or other method of final disposition of a dead human body allowable under law.

History: Add. 2003, Act 267, Eff. Apr. 1, 2004.

750.160d Sexual contact with dead human body; misdemeanor; sexual penetration with dead human body; felony; definitions.

Sec. 160d. (1) An individual who engages in sexual contact with a dead human body is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.

(2) An individual who engages in sexual penetration with a dead human body is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

(4) As used in this section:

(a) "Sexual contact" includes intentionally touching the genital area, groin, inner thigh, buttock, or breast, or the clothing covering that area, of a dead human body, or the actor intentionally causing the dead human body to touch the actor's genital area, groin, inner thigh, buttock, or breast, or the clothing covering that area if the intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for the following purposes:

(i) Revenge.

(ii) To inflict humiliation.

(iii) Out of anger.

(b) "Sexual penetration" means entry into the dead human body's genital opening, anal opening, or mouth by the actor's penis, finger, tongue, or other object, or the touching of the dead human body's genital opening or organs by the actor's mouth or tongue. Sexual penetration may also be entry by any part of the actor's body or some object into the genital or anal opening of the dead human body. Any entry, no matter how slight, is sexual penetration. Sexual penetration occurs whether or not the sexual act was completed or whether or not semen was ejaculated.

History: Add. 2024, Act 79, Eff. Oct. 6, 2024.

Compiler's note: Enacting section 2 of Act 79 of 2024 provides:
"Enacting section 2. This act may be cited as "Melody's Law"."