

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

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