

By: Senator(s) Doxey, White, Dearing

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2641

1 AN ACT TO PROHIBIT REPRODUCTION OR PUBLICATION OF AUTOPSY  
2 PHOTOGRAPHS, ETC., TAKEN IN THE COURSE OF POSTMORTEM EXAMINATION  
3 OR AUTOPSY OR AN INVESTIGATION OF CRIMES AGAINST PERSONS; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) Notwithstanding any other provision of law,  
7 no copy, reproduction, or facsimile of any kind shall be made or  
8 published of any photograph, negative, or print including, without  
9 limitation, instant photographs, digital photographs and video  
10 tapes, of the body, or any portion of the body, of a deceased  
11 person, taken by or for the medical examiner or medical examiner  
12 investigator at the scene of death or in the course of a  
13 postmortem examination or autopsy made by or caused to be made by  
14 the medical examiner or medical examiner investigator, or of any  
15 living victim, taken by or for any law enforcement agency in the  
16 investigation of a crime against that victim. The prohibition of  
17 this section shall not apply to:

18 (a) Use of a photograph, negative or print in a  
19 criminal or civil action or proceeding in this state which relates  
20 to the death of the person or crime against the person who is the  
21 subject of the photograph, negative or print; or

22 (b) As a court of this state permits, by order after  
23 good cause has been shown and after written notification of the  
24 request for the court order has been served, at least five (5)  
25 days before the order is made, upon the district attorney of the  
26 county in which the postmortem examination, autopsy, or criminal  
27 investigation was made.

28           (2) This section shall not apply to the making of such a  
29 copy, reproduction, or facsimile for use:

30                   (a) In the field of forensic pathology;

31                   (b) In medical or scientific education or research; or

32                   (c) By a federal law enforcement agency or any law  
33 enforcement agency in this or any other state of the United  
34 States.

35           (3) This section shall apply to any medium, including the  
36 Internet, and to any copy, reproduction, facsimile, photograph,  
37 negative, or print described in subsection (1) of this section  
38 without regard to whether it was made or obtained prior to the  
39 effective date of this act.

40           (4) A first conviction of a violation under this section  
41 shall be a misdemeanor. A second or subsequent conviction of a  
42 violation under this section shall be a felony punishable by a  
43 fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment  
44 in the custody of the Department of Corrections not to exceed  
45 three (3) years, or both.

46           **SECTION 2.** This act shall take effect and be in force from  
47 and after its passage.