

By: Senator(s) Doxey, White

To: Judiciary, Division B

SENATE BILL NO. 2642

1 AN ACT TO PROHIBIT REPRODUCTION OR PUBLICATION OF
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, except for use in a
17 criminal action or proceeding in this state which relates to the
18 death of that person or crime against that person, or except as a
19 court of this state permits, by order after good cause has been
20 shown and after written notification of the request for the court
21 order has been served, at least five (5) days before the order is
22 made, upon the district attorney of the county in which the
23 postmortem examination, autopsy, or criminal investigation was
24 made.

25 (2) This section shall not apply to the making of such a
26 copy, reproduction, or facsimile for use in the field of forensic
27 pathology, for use in medical, or scientific education or

28 research, or for use by any law enforcement agency in this or any
29 other state of the United States.

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

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

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