

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.