

Effective 9/1/2024

Superseded 5/6/2026

76-5-205 Manslaughter -- Penalties.

- (1)
 - (a) As used in this section:
 - (i)
 - (A) "Aid" means the act of providing the physical means.
 - (B) "Aid" does not include the withholding or withdrawal of life sustaining treatment procedures to the extent allowed under Title 75A, Chapter 3, Health Care Decisions, or any other laws of this state.
 - (ii) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by law to administer, dispense, distribute, or prescribe medications or procedures in the course of professional practice.
 - (iii) "Provides" means to administer, prescribe, distribute, or dispense.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) Except as provided in Subsection (5), an actor commits manslaughter if the actor:
 - (a) recklessly causes the death of another individual;
 - (b) intentionally, and with knowledge that another individual intends to commit suicide or attempt to commit suicide, aids the individual to commit suicide; or
 - (c) commits a homicide which would be murder, but the offense is reduced in accordance with Subsection 76-5-203(4).
- (3) A violation of Subsection (2) is a felony of the second degree.
- (4)
 - (a) In addition to the penalty described under this section or any other section, a defendant who is convicted of violating this section shall have the defendant's driver license revoked under Section 53-3-220 if the death of another individual results from driving a motor vehicle.
 - (b) The court shall forward the report of the conviction resulting from driving a motor vehicle to the Driver License Division in accordance with Section 53-3-218.
- (5)
 - (a) A practitioner does not violate Subsection (2)(b) if the practitioner provides medication or a procedure to treat an individual's illness or relieve an individual's pain or discomfort, regardless of whether the medication or procedure may hasten or increase the risk of death to the individual to whom the practitioner provides the medication or procedure.
 - (b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(b) if the practitioner intentionally and knowingly provides the medication or procedure to aid the individual to commit suicide or attempt to commit suicide.