

**Representative Michael K. McKell** proposes the following substitute bill:

**MANSLAUGHTER AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill makes it an offense to aid another to commit suicide.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ expands the crime of manslaughter to include intentionally and knowingly providing another with the physical means to commit suicide; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-205**, as last amended by Laws of Utah 2010, Chapter 157

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-5-205** is amended to read:



26 **76-5-205. Manslaughter.**

27 (1) As used in this section:

28 (a) "Aid" means the act of providing the physical means.

29 (b) "Aid" does not include the withholding or withdrawal of life sustaining treatment  
30 procedures to the extent allowed under Title 75, Chapter 2a, Advance Health Care Directive  
31 Act, or any other laws of this state.

32 (c) "Practitioner" means an individual currently licensed, registered, or otherwise  
33 authorized by law to administer, dispense, distribute, or prescribe medications or procedures in  
34 the course of professional practice.

35 (d) "Provides" means to administer, prescribe, distribute, or dispense.

36 ~~[(1) Criminal]~~ (2) Except as provided in Subsection (5), criminal homicide constitutes  
37 manslaughter if the actor:

38 (a) recklessly causes the death of another;

39 (b) intentionally, and with knowledge that another individual intends to commit suicide  
40 or attempt to commit suicide, aids the other individual to commit suicide;

41 ~~[(b)]~~ (c) commits a homicide which would be murder, but the offense is reduced  
42 pursuant to Subsection 76-5-203(4); or

43 ~~[(c)]~~ (d) commits murder, but special mitigation is established under Section  
44 76-5-205.5.

45 ~~[(2)]~~ (3) Manslaughter is a felony of the second degree.

46 ~~[(3)]~~ (4) (a) In addition to the penalty ~~[provided]~~ described under this section or any  
47 other section, ~~[a person]~~ an individual who is convicted of violating this section shall have the  
48 ~~[person's]~~ individual's driver license revoked under Section 53-3-220 if the death of another  
49 ~~[person]~~ individual results from driving a motor vehicle.

50 (b) The court shall forward the report of the conviction resulting from driving a motor  
51 vehicle to the Driver License Division in accordance with Section 53-3-218.

52 (5) A practitioner does not violate Subsection (2)(b) if the practitioner provides  
53 medication or a procedure to treat an individual's illness or relieve an individual's pain or  
54 discomfort, regardless of whether the medication or procedure may hasten or increase the risk  
55 of death to the individual to whom the practitioner provides the medication or procedure,  
56 unless the practitioner intentionally and knowingly provides the medication or procedure to aid

57 the individual to commit suicide or attempt to commit suicide.