

## HB0086S01 compared with HB0086

~~text~~ shows text that was in HB0086 but was deleted in HB0086S01.

Inserted text shows text that was not in HB0086 but was inserted into HB0086S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Michael K. McKell proposes the following substitute bill:

### MANSLAUGHTER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

Senate Sponsor: \_\_\_\_\_

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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

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### 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:

#### **76-5-205. Manslaughter.**

(1) As used in this section:

(a) "~~{Aids}~~Aid" means the act of providing the physical means.

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

(c) "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.

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

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

(a) recklessly causes the death of another;

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

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

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

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

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

(b) The court shall forward the report of the conviction resulting from driving a motor

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vehicle to the Driver License Division in accordance with Section 53-3-218.

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### Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (5) 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, unless the practitioner intentionally and knowingly provides the medication or procedure to aid the individual to commit suicide or attempt to commit suicide.