

Representative Rebecca Chavez-Houck proposes the following substitute bill:

MANSLAUGHTER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

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

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) "Aids" means the act of providing the physical means.

29 (b) "Aids" does not include:

30 (i) withholding or withdrawal of life sustaining treatment procedures to the extent
31 allowed under Title 75, Chapter 2a, Advance Health Care Act, or any other laws of this state;

32 or

33 (ii) treatment provided by a health care provider to treat an individual's illness or
34 relieve an individual's pain or discomfort, regardless of whether the medication or procedure
35 may hasten or increase the risk of death to the individual to whom the health care provider
36 provided the medication or procedure.

37 (c) "Health care provider" means an individual licensed, certified, or otherwise
38 authorized or permitted by the law of this state to administer health care or dispense medication
39 in the ordinary course of business or practice of a profession.

40 (d) "Standard of care" means the caution and care that a reasonable health care provider
41 would exercise under the same or similar circumstances.

42 (e) "Suicide" does not include an individual's act of taking medication that was
43 provided by a health care provider within the health care provider's applicable standard of care.

44 [(+)] (2) Criminal homicide constitutes manslaughter if the actor:

45 (a) recklessly causes the death of another;

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

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

50 [(e)] (d) commits murder, but special mitigation is established under Section
51 76-5-205.5.

52 [(2)] (3) Manslaughter is a felony of the second degree.

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

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