LEGISLATURE OF THE STATE OF IDAHO

Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1070

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HOMICIDE; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4017, IDAHO CODE, TO PROVIDE FOR A FELONY RELATING TO THE CAUSING OF OR ASSISTING IN A SUICIDE, TO PROVIDE PENALTIES, TO PROVIDE FOR THE REVOCATION OF A CERTAIN LICENSE OR CERTIFICATION, TO PROVIDE INJUNCTIVE RELIEF, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 40, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4017, Idaho Code, and to read as follows:

18-4017. CAUSING A SUICIDE -- ASSISTING IN A SUICIDE -- INJUNCTIVE RELIEF -- REVOCATION OF LICENSE -- EXCEPTIONS. (1) A person is guilty of a felony if such person knowingly by force or duress causes another person to commit or to attempt to commit suicide.

(2) A person is guilty of a felony if such person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly and intentionally either:

(a) Provides the physical means by which another person commits or attempts to commit suicide; or

(b) Participates in a physical act by which another person commits or attempts to commit suicide.

(3) Any person convicted of or who pleads guilty to a violation of the provisions of subsection (1) of this section shall be sentenced to the custody of the state board of correction for a period not to exceed ten (10) years. Any person convicted of or who pleads guilty to a violation of the provisions of subsection (2) of this section shall be sentenced to the custody of the state board of correction for a period not to exceed five (5) years.

(4) The licensing authority that issued a license or certification to a health care professional who is convicted of or who pleads guilty to a violation of the provisions of subsection (1) or (2) of this section, or who has had a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (5) of this section, may revoke the license or certification of such health care professional upon receipt of:

(a) A copy of the record of the criminal conviction or plea of guilty for a felony in violation of the provisions of subsection (1) or (2) of this section; or

(b) A copy of the record of a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (5) of this section.

(5) Upon proper application to the court, injunctive relief against any person who is reasonably believed to be about to violate, or who is in the

course of violating, the provisions of subsection (1) or (2) of this section may be obtained by any person who is:

(a) The spouse, parent, child or sibling of the person who would commit suicide;

(b) A court appointed guardian of the person who would commit suicide;

(c) Entitled to inherit from the person who would commit suicide;

(d) A health care provider of the person who would commit suicide; or

(e) A public official with appropriate jurisdiction to prosecute or enforce the laws of this state.

(6) The following shall not be deemed a violation of the provisions of this section:

(a) A health care professional who administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort, even if any such medication or procedure may hasten or increase the risk of death, unless such medications or procedures are knowingly and intentionally administered, prescribed or dispensed to cause death.

(b) A health care professional who withholds or withdraws treatment or procedures in compliance with a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment form or any other similar document that contains the elements set forth in chapter 45, title 39, Idaho Code, shall not be deemed to have violated the provisions of this section.

(7) As used in this section:

(a) "Health care professional" means any person licensed, certified or registered by the state of Idaho to deliver health care.

(b) "Suicide" means the act or instance of taking one's own life voluntarily and intentionally.