

IN THE SENATE

SENATE BILL NO. 1070

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HOMICIDE; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 18-4017, IDAHO CODE, TO PROVIDE FOR A FELONY RELAT-
3 ING TO THE CAUSING OF OR ASSISTING IN A SUICIDE, TO PROVIDE PENALTIES,
4 TO PROVIDE FOR THE REVOCATION OF A CERTAIN LICENSE OR CERTIFICATION, TO
5 PROVIDE INJUNCTIVE RELIEF, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS.
6

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

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

11 18-4017. CAUSING A SUICIDE -- ASSISTING IN A SUICIDE -- INJUNCTIVE
12 RELIEF -- REVOCATION OF LICENSE -- EXCEPTIONS. (1) A person is guilty of a
13 felony if such person knowingly by force or duress causes another person to
14 commit or to attempt to commit suicide.

15 (2) A person is guilty of a felony if such person, with the purpose of
16 assisting another person to commit or to attempt to commit suicide, know-
17 ingly and intentionally either:

18 (a) Provides the physical means by which another person commits or at-
19 tempts to commit suicide; or

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

22 (3) Any person convicted of or who pleads guilty to a violation of the
23 provisions of subsection (1) of this section shall be sentenced to the cus-
24 tody of the state board of correction for a period not to exceed ten (10)
25 years. Any person convicted of or who pleads guilty to a violation of the
26 provisions of subsection (2) of this section shall be sentenced to the cus-
27 tody of the state board of correction for a period not to exceed five (5)
28 years.

29 (4) The licensing authority that issued a license or certification to a
30 health care professional who is convicted of or who pleads guilty to a vio-
31 lation of the provisions of subsection (1) or (2) of this section, or who has
32 had a judgment of contempt of court for violating an injunction issued pur-
33 suant to the provisions of subsection (5) of this section, may revoke the li-
34 cense or certification of such health care professional upon receipt of:

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

38 (b) A copy of the record of a judgment of contempt of court for violat-
39 ing an injunction issued pursuant to the provisions of subsection (5) of
40 this section.

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

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

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

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

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

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

8 (e) A public official with appropriate jurisdiction to prosecute or en-
9 force the laws of this state.

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

12 (a) A health care professional who administers, prescribes or dis-
13 penses medications or procedures to relieve another person's pain or
14 discomfort, even if any such medication or procedure may hasten or in-
15 crease the risk of death, unless such medications or procedures are
16 knowingly and intentionally administered, prescribed or dispensed to
17 cause death.

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

24 (7) As used in this section:

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

27 (b) "Suicide" means the act or instance of taking one's own life volun-
28 tarily and intentionally.