

IN THE SENATE

SENATE BILL NO. 1070, As Amended

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 RE-
12 LIEF -- REVOCATION OF LICENSE -- EXCEPTIONS. (1) A person is guilty of a
13 felony if such person, with the purpose of assisting another person to com-
14 mit or to attempt to commit suicide, knowingly and intentionally either:

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

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

19 (2) Any person convicted of or who pleads guilty to a violation of the
20 provisions of subsection (1) of this section shall be sentenced to the cus-
21 tody of the state board of correction for a period not to exceed five (5)
22 years.

23 (3) The licensing authority that issued a license or certification to a
24 health care professional who is convicted of or who pleads guilty to a vio-
25 lation of the provisions of subsection (1) of this section, or who has had a
26 judgment of contempt of court for violating an injunction issued pursuant to
27 the provisions of subsection (4) of this section, may revoke the license or
28 certification of such health care professional upon receipt of:

29 (a) A copy of the record of the criminal conviction or plea of guilty for
30 a felony in violation of the provisions of subsection (1) of this sec-
31 tion; or

32 (b) A copy of the record of a judgment of contempt of court for violat-
33 ing an injunction issued pursuant to the provisions of subsection (4) of
34 this section.

35 (4) Upon proper application to the court, injunctive relief against any
36 person who is reasonably believed to be about to violate, or who is in the
37 course of violating, the provisions of subsection (1) of this section may be
38 obtained by any person who is:

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

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

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

1 (d) A health care provider of the person who would commit suicide; or
2 (e) A public official with appropriate jurisdiction to prosecute or en-
3 force the laws of this state.

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

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

12 (b) A health care professional who withholds or withdraws treatment
13 or procedures in compliance with a living will and durable power of
14 attorney for health care, a health care directive, a physician orders
15 for scope of treatment form or any other similar document that sat-
16 isfies the elements set forth in chapter 45, title 39, Idaho Code, or
17 upon a refusal to consent or withdrawal of consent by the patient, or
18 if the patient is unable to give or refuse consent, and does not have
19 a living will and durable power of attorney for health care, a health
20 care directive, a physician orders for scope of treatment form or any
21 other similar document that satisfies the elements set forth in chapter
22 45, title 39, Idaho Code, by a person authorized to refuse or withdraw
23 consent pursuant to section 39-4504, Idaho Code, shall not be deemed to
24 have violated the provisions of this section.

25 (6) As used in this section:

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

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