

Survey of State Laws Against Assisting in a Suicide

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ALABAMA

Alabama has no statute specifically criminalizing the aiding or assisting in a suicide.¹

ALASKA

1²

§ 11.41.120. Manslaughter

(a) A person commits the crime of manslaughter if the person . . .

(2) intentionally aids another person to commit suicide; . . .

Alaska Stat. Ann. § 11.41.120 (West)

ARIZONA

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§ 13-1103. Manslaughter; classification

A. A person commits manslaughter by: . . .

3. Intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide;

Ariz. Rev. Stat. Ann. § 13-1103

ARKANSAS

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§ 5-10-104. Manslaughter

(a) A person commits manslaughter if: . . .

(2) The person purposely causes or aids another person to commit suicide;

Ark. Code Ann. § 5-10-104 (West)

§ 5-10-106. Physician-assisted suicide; Class C felony

(a)(1) As used in this section, “physician-assisted suicide” means a physician or health care provider participating in a medical procedure or knowingly prescribing any drug, compound, or substance for the express purpose of assisting a patient to intentionally end the patient's life.

. . .

(b) It is unlawful for any physician or health care provider to commit the offense of physician-assisted suicide by:

(1) Prescribing any drug, compound, or substance to a patient with the express purpose of assisting the patient to intentionally end the patient's life; or

(2) Assisting in any medical procedure for the express purpose of assisting a patient to intentionally end the patient's life.

Ark. Code Ann.. § 5-10-106 (West)

CALIFORNIA³

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§ 401. Suicide; aiding, advising, or encouraging

Every person who deliberately aids, or advises, or encourages another to commit suicide, is guilty of a felony.⁴

Cal. Penal Code § 401 (West)

COLORADO⁵

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§ 18-3-104. Manslaughter

(1) A person commits the crime of manslaughter if: . . .

(b) Such person intentionally causes or aids another person to commit suicide.

Colo. Rev. Stat. Ann. § 18-3-104 (West)

CONNECTICUT

6

§ 53a-56. Manslaughter in the second degree: Class C felony

(a) A person is guilty of manslaughter in the second degree when: . . .

(2) he intentionally causes or aids another person, other than by force, duress or deception, to commit suicide.

Conn. Gen. Stat. Ann. § 53a-56 (West)

DELAWARE

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§ 645. Promoting suicide; class F felony

A person is guilty of promoting suicide when the person intentionally causes or aids another person to attempt suicide, or when the person intentionally aids another person to commit suicide.

Del. Code Ann. tit. 11, § 645 (West)

DISTRICT OF COLUMBIA

The District of Columbia has no statute specifically criminalizing the aiding or assisting in a suicide.

FLORIDA⁶

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§ 782.08. Assisting self-murder⁷

Every person deliberately assisting another in the commission of self-murder shall be guilty of manslaughter, a felony of the second degree . . .

Fla. Stat. Ann. § 782.08 (West)

GEORGIA

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§ 16-5-5. Assisted Suicide⁸

(a) As used in this Code section, the term:

(1) “Assists” means the act of physically helping or physically providing the means.

. . .

(3) “Suicide” means the intentional and willful termination of one's own life.

(b) Any person with actual knowledge that a person intends to commit suicide who knowingly and willfully assists such person in the commission of such person's suicide shall be guilty of a felony . . .

Ga. Code Ann. § 16-5-5 (West)

HAWAII⁹

§ 707-702. Manslaughter

(1) A person commits the offense of manslaughter if: . . .

(b) The person intentionally causes another person to commit suicide.

Haw. Rev. Stat. § 707-702 (West)

IDAHO

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§ 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, 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.

Idaho Code Ann. § 18-4017

ILLINOIS

11

§ 5/12-34.5. Inducement to commit suicide.

(a) A person commits inducement to commit suicide when he or she does either of the following:

(1) Knowingly coerces another to commit suicide and the other person commits or attempts to commit suicide as a direct result of the coercion, and he or she exercises substantial control over the other person through (i) control of the other person's physical location or circumstances; (ii) use of psychological pressure; or (iii) use of actual or ostensible religious, political, social, philosophical or other principles.

(2) With knowledge that another person intends to commit or attempt to commit suicide, intentionally (i) offers and provides the physical means by which another person commits or attempts to commit suicide, or (ii) participates in a physical act by which another person commits or attempts to commit suicide.

For the purposes of this Section, “attempts to commit suicide” means any act done with the intent to commit suicide and which constitutes a substantial step toward commission of suicide.

Ill. Stat. Ch. 720 § 5/12-34.5

§ 35-42-1-2.5 Assisting suicide

...

(b) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following commits assisting suicide, a Level 5 felony:

(1) Provides the physical means by which the other person attempts or commits suicide.

(2) Participates in a physical act by which the other person attempts or commits suicide.

Ind. Code Ann. § 35-42-1-2.5 (West)

§ 35-42-1-2 Causing suicide

A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a Level 3 felony.

Ind. Code Ann. § 35-42-1-2 (West)

§ 707A.2. Assisting suicide

A person commits a class “C” felony if the person intentionally or knowingly assists, solicits, or incites another person to commit or attempt to commit suicide, or participates in a physical act by which another person commits or attempts to commit suicide.

Iowa Code Ann. § 707A.2 (West)

§ 21-5407. Assisting suicide

(a) Assisting suicide is:

(1) Knowingly, by force or duress, causing another person to commit or attempt to commit suicide; or

(2) intentionally assisting another person to commit or to attempt to commit suicide by:

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

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

Kan. Stat. Ann. § 21-5407 (West)

§ 216.302 Causing a suicide; assisting in a suicide

(1) A person commits a Class C felony when the person knowingly by force or duress causes another person to commit or to attempt to commit suicide.

(2) A person commits a Class D felony when the 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.

Ky. Rev. Stat. Ann. § 216.302 (West)

§ 32.12. Criminal assistance to suicide

A. Criminal assistance to suicide is:

(1) The intentional advising or encouraging of another person to commit suicide or the providing of the physical means or the knowledge of such means to another person for the purpose of enabling the other person to commit or attempt to commit suicide.

(2) The intentional advising, encouraging, or assisting of another person to commit suicide, or the participation in any physical act which causes, aids, abets, or assists another person in committing or attempting to commit suicide.

B. For the purposes of this Section, “suicide” means the intentional and deliberate act of taking one's own life through the performance of an act intended to result in death.

La. Rev. Stat. Ann. § 14:32.12 (West)

17-A, § 204. Aiding or soliciting suicide

1. A person is guilty of aiding or soliciting suicide if he intentionally aids or solicits another to commit suicide, and the other commits or attempts suicide.

Me. Rev. Stat. tit. 17-A, § 204 (West)

MARYLAND

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§ 3-102. Assisting another to commit or attempt suicide

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

- (1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;
- (2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or
- (3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

Md. Code Ann., Crim. Law § 3-102 (West)

MASSACHUSETTS

Massachusetts has no statute specifically criminalizing the aiding or assisting in a suicide.

§ 750.329a. Intent to assist an individual in killing oneself; common law assisted suicide offense

(1) A person who knows that an individual intends to kill himself or herself and does any of the following with the intent to assist the individual in killing himself or herself is guilty of criminal assistance to the killing of an individual . . .

(a) Provides the means by which the individual attempts to kill himself or herself or kills himself or herself.

(b) Participates in an act by which the individual attempts to kill himself or herself or kills himself or herself.

(c) Helps the individual plan to attempt to kill himself or herself or to kill himself or herself.

. . .

(3) This section does not prohibit a prosecution under the common law offense of assisting in a suicide, but a person shall not be convicted under both this section and that common law offense for conduct arising out of the same transaction.

Mich. Comp. Laws Ann. § 750.329a (West)

§ 752.1027. Criminal assistance to suicide

Sec. 7. (1) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following is guilty of criminal assistance to suicide . . .

(a) Provides the physical means by which the other person attempts or commits suicide.

(b) Participates in a physical act by which the other person attempts or commits suicide.

Mich. Comp. Laws Ann. § 752.1027 (West)

MINNESOTA

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§ 609.215. Suicide

Subdivision 1. Aiding suicide. Whoever intentionally advises,¹⁰ encourages, or assists another in taking the other's own life may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 2. Aiding attempted suicide. Whoever intentionally advises, encourages, or assists another who attempts but fails to take the other's own life may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

Minn. Stat. Ann. § 609.215 (West)

MISSISSIPPI

21

§ 97-3-49. Assisting suicide

A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony . . .

Miss. Code. Ann. § 97-3-49 (West)

MISSOURI

22

§ 565.023. Voluntary manslaughter, penalty

1. A person commits the crime of voluntary manslaughter if he or she . . .

...

(2) Knowingly assists another in the commission of self-murder.

Mo. Ann. Stat. § 565.023 (West)

MONTANA

Montan has no statute specifically criminalizing the aiding or assisting in a suicide. However, under Mont. Code Ann. § 45-5-105(1), a “person who purposely aids or solicits another to commit suicide, but such suicide does not occur, commits the offense of aiding or soliciting suicide.” Montana is unique in criminalizing the aiding in a suicide attempt, but not in a completed suicide.

NEBRASKA

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§ 28-307. Assisting suicide, defined; penalty

(1) A person commits assisting suicide when, with intent to assist another person in committing suicide, he aids and abets him in committing or attempting to commit suicide.

Neb. Rev. Stat. § 28-307 (West)

NEVADA

Nevada has no statute specifically criminalizing the aiding or assisting in a suicide.

NEW HAMPSHIRE

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§ 630:4 Causing or Aiding Suicide.

I. A person is guilty of causing or aiding suicide if he purposely aids or solicits another to commit suicide.

N.H. Rev. Stat. Ann. § 630:4

NEW JERSEY

25

§ 2C:11-6. Aiding suicide

A person who purposely aids another to commit suicide is guilty of a crime of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a crime of the fourth degree.

N.J. Stat. Ann. § 2C:11-6 (West)

NEW MEXICO

26

§ 30-2-4. Assisting suicide

Assisting suicide consists of deliberately aiding another in the taking of his own life. Whoever commits assisting suicide is guilty of a fourth degree felony.

N.M. Stat. Ann. § 30-2-4 (West)

NEW YORK

27

§ 120.30 Promoting a suicide attempt

A person is guilty of promoting a suicide attempt when he intentionally causes or aids another person to attempt suicide. Promoting a suicide attempt is a Class E felony.

N.Y. Penal Law § 120.30 (McKinney)

NORTH CAROLINA

North Carolina has no statute specifically criminalizing the aiding or assisting in a suicide.

NORTH DAKOTA

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§ 12.1-16-04. Assisting the commission of suicide – Causing death by suicide --Penalties

1. Any person who intentionally or knowingly aids, abets, facilitates, solicits, or incites another person to commit suicide, or who provides to, delivers to, procures for, or prescribes for another person any drug or instrument with knowledge that the other person intends to attempt to commit suicide with the drug or instrument is guilty of a class C felony.

2. Any person who, through deception, coercion, or duress, willfully causes the death of another person by suicide is guilty of a class AA felony.

N.D. Cent. Code Ann. § 12.1-16-04 (West)

OHIO

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§ 3795.04 Assisting suicide

(A) Except as provided in section 3795.03 of the Revised Code, no person shall knowingly cause another person to commit or attempt to commit suicide by doing either of the following:

- (1) Providing the physical means by which the other person commits or attempts to commit suicide;

- (2) Participating in a physical act by which the other person commits or attempts to commit suicide.

(B) Whoever violates division (A) of this section is guilty of assisting suicide, a felony of the third degree.

Ohio Rev. Code Ann. § 3795.04 (West 2017)

§ 813. Aiding suicide

Every person who willfully, in any manner, advises, encourages, abets, or assists another person in taking his own life, is guilty of aiding suicide.

Okla. Stat. Ann. tit. 21, § 813 (West)

§ 814. Furnishing weapon or drug

Every person who willfully furnishes another person with any deadly weapon or poisonous drug, knowing that such person intends to use such weapon or drug in taking his own life, is guilty of aiding suicide, if such person thereafter employs such instrument or drug in taking his own life.

Okla. Stat. Ann. tit. 21, § 814 (West)

§ 815. Aid in attempt to commit suicide

Every person who willfully aids another in attempting to take his own life, in any manner which by the preceding sections would have amounted to aiding suicide if the person assisted had actually taken his own life, is guilty of aiding an attempt at suicide.

Okla. Stat. Ann. tit. 21, § 815 (West)

§ 163.125. Second degree manslaughter

(1) Criminal homicide constitutes manslaughter in the second degree when:

...

(b) A person intentionally causes or aids another person to commit suicide; . . .

Or. Rev. Stat. Ann. § 163.125 (West)

§ 163.193. Assisting another person to commit suicide; exemptions

(1) A person commits the crime of assisting another person to commit suicide if the person knowingly sells, or otherwise transfers for consideration, any substance or object, that is capable of causing death, to another person for the purpose of assisting the other person to commit suicide.

Or. Rev. Stat. Ann. § 163.193 (West)

§ 2505. Causing or aiding suicide

(a) Causing suicide as criminal homicide.--A person may be convicted of criminal homicide for causing another to commit suicide only if he intentionally causes such suicide by force, duress or deception.

(b) Aiding or soliciting suicide as an independent offense.--A person who intentionally aids or solicits another to commit suicide is guilty of a felony of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a misdemeanor of the second degree.

18 Pa. Cons. Stat. Ann. § 2505 (West)

§ 11-60-3. Prevention of assisted suicide

An individual or licensed health care practitioner who with the purpose of assisting another person to commit suicide knowingly:

- (1) Provides the physical means by which another person commits or attempts to commit suicide; or
- (2) Participates in a physical act by which another person commits or attempts to commit suicide is guilty of a felony . . .

R.I. Gen. Laws Ann. § 11-60-3 (West)

§ 16-3-1090. Assisted suicide; penalties; injunctive relief.

(A) As used in this section:

. . .

(2) “Suicide” means the act or instance of taking one's life voluntarily and intentionally.

(B) It is unlawful for a person to assist another person in committing suicide. A person assists another person in committing suicide if the person:

- (1) by force or duress intentionally causes the other person to commit or attempt to commit suicide; or
- (2) has knowledge that the other person intends to commit or attempt to commit suicide and intentionally:
 - (a) provides the physical means by which the other person commits or attempts to commit suicide; or
 - (b) participates in a physical act by which the other person commits or attempts to commit suicide.

S.C. Code Ann. § 16-3-1090

SOUTH DAKOTA

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§ 22-16-37. Aiding and abetting suicide--Felony

Any person who intentionally in any manner advises, encourages, abets, or assists another person in taking or in attempting to take his or her own life is guilty of a Class 6 felony.

S.D. Codified Laws § 22-16-37

TENNESSEE

36

§ 39-13-216. Assisted suicide; exceptions; damages

(a) A person commits the offense of assisted suicide who:

(1) Intentionally provides another person with the means by which such person directly and intentionally brings about such person's own death; or

(2) Intentionally participates in a physical act by which another person directly and intentionally brings about such person's own death; and

(3) Provides the means or participates in the physical act with:

(A) Actual knowledge that the other person intends to bring about such person's own death; and

(B) The clear intent that the other person bring about such person's own death.

Tenn. Code Ann. § 39-13-216 (West)

TEXAS

37

§ 22.08. Aiding Suicide

(a) A person commits an offense if, with intent to promote or assist the commission of suicide by another, he aids or attempts to aid the other to commit or attempt to commit suicide.

Tex. Penal Code Ann. § 22.08 (West)

UTAH

Utah has no statute specifically criminalizing the aiding or assisting in a suicide.

VERMONT

Vermont has no statute specifically criminalizing the aiding or assisting in a suicide.

VIRGINIA

Virginia has no statute specifically criminalizing the aiding or assisting in a suicide.

WASHINGTON¹²

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§ 9A.36.060. Promoting a suicide attempt

(1) A person is guilty of promoting a suicide attempt when he or she knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a class C felony.

Wash. Rev. Code Ann. § 9A.36.060 (West)

WEST VIRGINIA

West Virginia has no statute specifically criminalizing the aiding or assisting in a suicide.

WISCONSIN

39

§ 940.12. Assisting suicide

Whoever with intent that another take his or her own life assists such person to commit suicide is guilty of a Class H felony.

Wis. Stat. Ann. § 940.12 (West)

WYOMING

Wyoming has no statute specifically criminalizing the aiding or assisting in a suicide.

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1. At common law, one who assisted in a suicide “was guilty of murder by construction of law because he was a principal in the second degree to the self-murder of the other.” *In re Joseph G.*, 34 Cal. 3d 429, 434, 667 P.2d 1176, 1179 (1983). Today, some argue that “assisting” in a “suicide” may be prosecuted under the common law where there is no statute to prohibit assisting in a suicide. This assumption may prove true or false, one state at a time. *Compare State v. Sage*, 31 Ohio St. 3d 173, 177-78, 510 N.E.2d 343, 346-47 (1987) (assisting in a suicide was not a crime because the “Ohio Legislature has not enacted a statute which makes aiding and abetting suicide a crime in Ohio.”); *with People v. Kevorkian*, 447 Mich. 436, 445, 527 N.W.2d 714, 716 (1994) (“even absent a statute that specifically proscribes assisted suicide, . . . such conduct may be prosecuted as a separate common-law offense under the saving clause [of Michigan Statutes, which incorporates the common law of crimes].”).

2. To facilitate counting the states with a criminal statute against assisting in a suicide, a number, from 1 to 39, is placed to the right of each such state on this list.

3. At this writing, five states have enacted physician assistance-in-death (“PAD”) laws. The California End of Life Options Act, Cal. Health & Safety Code § 443, the Colorado End-of-life Options Act, Colo. Rev. Stat. Ann. § 25-48-101, the Oregon Death With Dignity Act, Ore. Rev. Stat. § 127.800 et seq., and the Washington Death With Dignity Act, West's Wash. Rev. Code Ann. § 70.245.901 et seq., authorize PAD under specified circumstances. Nonetheless, California, Colorado, Oregon, and Washington have other laws criminalizing assistance in a suicide by anyone acting outside of the safe harbor of their PAD laws. Vermont and the District of Columbia also have PAD laws, but do not have statutes specifically the assistance in suicide under other circumstances.

4. The California law prohibits not only aiding, but also “advising” or “encouraging” a suicide (as do the laws of Louisiana, Minnesota, Mississippi, Oklahoma, and South Dakota). However, the California courts have narrowed the California law such that mere “advising” or “encouraging” a suicide are not alone a violation of the law. *See In re Ryan N.*, 92 Cal. App. 4th 1359, 1374, 112 Cal. Rptr. 2d 620, 632 (2001) (“the courts have . . . interpreted the statute as proscribing ‘the direct aiding and abetting of a specific suicidal act. . . . Some active and intentional participation in the events leading to the suicide are required in order to establish a violation.’”) (citation omitted). Minnesota, likewise, has declared its “advises” and “encourages” language unconstitutional and severed those words from its statute. *See* note 10.

5. *See* note 3.

6. The Florida law’s constitutionality was upheld in a proceeding brought by the author of this survey. *See McIver v. Krischer*, 65 U.S.L.W. 2544, 1997 Westlaw 225878 (Fla. Cir. Ct. Jan. 31, 1997) (No. CL-96-1504-AF) (holding the law unconstitutional on substantive due process grounds), *reversed*, *Krischer v. McIver*, 697 So. 2d 97 (Fla. 1997).

7. In using the term “self-murder,” the Florida statute, enacted in 1868, reflects an affectation in drafting that was common to the Nineteenth Century. Many legal scholars argued it was doctrinally improper to criminalize “assisting” in something that was not itself illegal, so they identified “suicide” as “self-murder.” *See* note 1; *In re Joseph G.*, 34 Cal. 3d at 433, 667 P.2d at 1178 (“At common law . . . suicide was considered a form of murder.”). The Missouri law also refers to “suicide” as “self-murder.”

8. The former Georgia statute was repealed in the spring of 2012 and this new statute enacted after Final Exit Network argued (by and through the author of this survey), and the Supreme Court of Georgia held, that the former statute was unconstitutional under the First Amendment. *See Final Exit Network, Inc. v. State*, 290 Ga. 508, 722 S.E.2d 722 (2012) (holding the former statute unconstitutional under the free speech provisions of both the state and federal constitutions in that it prohibited speech based on content and was not narrowly tailored to promote state’s compelling interest in preventing suicide). In floor debate, the authors of the proposed revision said it was carefully drawn to prohibit only “physical” assistance in suicide or providing the means, steering clear of prohibiting the “advising” or “encouraging” of “suicide” or otherwise implicating First Amendment issues. Audio recordings of the legislative debates are available on request.

9. Hawaii is not counted as a state that prohibits “assisting” in a suicide because Hawaii prohibits only “causing” a suicide. Many other states prohibit “causing” a suicide, but Hawaii is the only one that prohibits “causing” a suicide without prohibiting aiding, abetting, assisting, soliciting, promoting, inducing, etc.

10. Where the Minnesota statute makes it a crime to “advise, encourage, or assist” in a “suicide,” the words “advise” and “encourage” were severed from the statute on First Amendment free speech grounds in *State v. Melchert-Dinkel*, 844 N.W.2d 13, 24 (Minn. 2014), and *State v. Final Exit Network, Inc.*, slip op., No. A13-0563, 2013 WL 5418170 (Minn. Ct. App. Sept. 30, 2013) (unpublished), a case argued by the author of this survey. Thus, as a practical

matter, the statute now makes it a crime only to “assist” in a “suicide.”

11. *See* note 3.

12. *See* note 3.