



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1625
Sponsored by Representative Gazaway**

Subtitle TO CREATE THE OFFENSE OF ENCOURAGING THE SUICIDE OF ANOTHER PERSON.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Title 5, Chapter 10, to create A.C.A. § 5-10-107, Encouraging the suicide of another person. Under the proposed bill, a person commits the offense of encouraging the suicide of another person if the person uses persistent language, either spoken or written, to purposely encourage another person to commit suicide; and as a proximate result of the person’s encouraging the suicide of the other person, the other person commits suicide or attempts to commit suicide and the attempt results in serious physical injury. Under the proposed bill, encouraging the suicide of another person is a Class D felony.

The proposed bill also defines “encourage” and creates a bar to conviction if the person charged has also been charged with, tried for, or convicted of a homicide offense under the theory of accomplice liability that arises out of the same set of facts.

Impact Information

Because data does not exist as to the likely number of occurrences of the conduct covered by this proposed bill, the impact cannot be determined. Additionally, the prohibited conduct is potentially criminalized as a homicide offense under the theory of accomplice liability.

Other States

A survey of similar laws in other states revealed fourteen (14) states with laws prohibiting advising, encouraging, or soliciting suicide. Other states use accomplice liability as a means to prosecute such cases.

¹ This impact assessment was prepared (3/4/2019, 1:15 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500