



Arkansas
Sentencing
Commission

Impact Assessment for SB503
Sponsored by Senator Bledsoe

Subtitle CREATING THE OFFENSE OF PROMOTING A SUICIDE ATTEMPT; CONCERNING THE OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

Impact Summary¹ Minimal, affecting fewer than ten (10) offenders per year.

Change from current law² Amends Arkansas Code Annotated § 5-10-106, Physician-assisted suicide, by increasing the penalty from a Class C felony to a Class B felony.

Amends Arkansas Code Title 5, Chapter 10, to create an additional section, A.C.A. § 5-10-107, Promoting a suicide attempt. Under the proposed bill, a person commits the offense of promoting a suicide attempt if the person knowingly causes or aids another person to attempt suicide. Promoting a suicide attempt is a Class D felony. The proposed bill also creates an exception to the offense of promoting a suicide attempt for physicians or healthcare providers carrying out an advance directive or living will or prescribing any drug, compound, or substance for the specific purpose of pain relief.

Impact Information

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2015 and ending December 31, 2017, there were no convictions for a violation of A.C.A. § 5-10-106, Physician-assisted suicide. Data does not exist as to the likely number of convictions for the proposed offense of promoting a suicide attempt. However, it is important to note that *purposely* causing or *aiding* another person to commit suicide is currently criminalized under A.C.A. § 5-10-104 (a)(2), Manslaughter. [See attached for full reprint of this code section]. Because of the limited scope of newly criminalized conduct under the proposed bill, as well as the absence of convictions for physician-assisted suicide, the impact of this proposed bill is projected to be minimal.

¹ This impact assessment was prepared (3/11/2019, 11:54 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

A.C.A. § 5-10-104. Manslaughter.

(a) A person commits manslaughter if:

(1)

(A) The person causes the death of another person under circumstances that would be murder, except that he or she causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse.

(B) The reasonableness of the excuse is determined from the viewpoint of a person in the actor's situation under the circumstances as the actor believed them to be;

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

(3) The person recklessly causes the death of another person; or

(4) Acting alone or with one (1) or more persons:

(A) The person commits or attempts to commit a felony; and

(B) In the course of and in furtherance of the felony or in immediate flight from the felony:

(i) The person or an accomplice negligently causes the death of any person; or

(ii) Another person who is resisting the felony or flight causes the death of any person.

(b) It is an affirmative defense to any prosecution under subdivision (a)(4) of this section for an offense in which the defendant was not the only participant that the defendant:

(1) Did not commit the homicidal act or in any way solicit, command, induce, procure, counsel, or aid the homicidal act's commission;

(2) Was not armed with a deadly weapon;

(3) Reasonably believed that no other participant was armed with a deadly weapon; and

(4) Reasonably believed that no other participant intended to engage in conduct which could result in death or serious physical injury.

(c) Manslaughter is a Class C felony.

HISTORY: Acts 1975, No. 280, § 1504; A.S.A. 1947, § 41-1504; Acts 2007, No. 827, § 21.