

HOUSE BILL NO. 505

INTRODUCED BY K. KERNS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE OFFENSE OF AIDING OR SOLICITING SUICIDE;
5 CLARIFYING THAT PHYSICIAN-ASSISTED SUICIDE IS A FORM OF AIDING OR SOLICITING SUICIDE;
6 CLARIFYING THAT THE CONSENT OF A VICTIM IS NOT A DEFENSE TO AIDING OR SOLICITING SUICIDE;
7 PROVIDING DEFINITIONS; AMENDING SECTION 45-5-105, MCA; AND PROVIDING AN IMMEDIATE
8 EFFECTIVE DATE AND AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 45-5-105, MCA, is amended to read:

13 **"45-5-105. Aiding or soliciting suicide.** (1) A person who purposely aids or solicits another person to
14 commit suicide, ~~but such suicide does not occur, including physician-assisted suicide,~~ commits the offense of
15 aiding or soliciting suicide.

16 (2) The consent of a victim is not a defense to the provisions of this section, and 45-2-211 does not
17 apply.

18 ~~(2)~~(3) A person convicted of the offense of aiding or soliciting a suicide shall be imprisoned in the state
19 prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

20 (4) For purposes of this section, the following definitions apply:

21 (a) "Aid" means to facilitate, assist, or help.

22 (b) (i) "Physician-assisted suicide", also known as physician aid-in-dying, means any act by a physician
23 of purposely aiding or soliciting another person to end the person's life, including prescribing a drug, compound,
24 or substance, providing a medical procedure, or directly or indirectly participating in an act with the purpose of
25 aiding or soliciting suicide.

26 (ii) The term does not include end-of-life palliative care in which a dying person receives medication to
27 alleviate pain that may incidentally hasten the dying person's death or any act to withhold or withdraw
28 life-sustaining treatment authorized pursuant to Title 50, chapters 9 and 10.

29 (c) "Solicit" has the meaning provided in 45-2-101."

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1 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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3 NEW SECTION. **Section 3. Applicability.** [This act] applies to offenses committed on or after [the
4 effective date of this act].

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