

## 1 SENATE BILL NO. 169

2 INTRODUCED BY G. HINKLE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PENALTY ENHANCEMENT FOR THE  
5 OFFENSES OF DELIBERATE HOMICIDE AND AIDING OR SOLICITING A SUICIDE IF THE OFFENSE IS  
6 COMMITTED BY A SUICIDE PREDATOR; AMENDING SECTIONS 45-5-102 AND 45-5-105, MCA; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 WHEREAS, in 2008, a depressed Canadian teen, Nadia Kajouji, killed herself after entering a suicide  
10 pact with "Cami", another young woman she had met online; and

11 WHEREAS, Cami was allegedly a middle-aged man, William Melchert-Dinkel, who has been linked to  
12 other suicide deaths; and

13 WHEREAS, Melchert-Dinkel allegedly trolled the Internet for the "thrill of the chase" to induce vulnerable  
14 people to hang themselves in front of his webcam so that he could watch; and

15 WHEREAS, Melchert-Dinkel has now been charged in Minnesota with assisting in the suicides of Kajouji  
16 and Mark Drybrough; and

17 WHEREAS, in 2008, Washington State enacted a Death with Dignity Act, which legalized assisted suicide  
18 performed by a physician, also known as "physician-assisted suicide" or "aid in dying"; and

19 WHEREAS, in October 2009, Australian suicide promoter, Philip Nitschke, reportedly stated that  
20 Washington's law "is helpful to us" and subsequently incorporated the nonprofit organization Exit International  
21 in that state, which sells specialized equipment for the purpose of causing a suicide death via helium inhalation;  
22 and

23 WHEREAS, in 2010, Nitschke's ideas were linked to the suicide deaths of two honor students in the  
24 United Kingdom, Robert Miller, age 20, and James Robertson, age 19; and

25 WHEREAS, Montana already has one of the highest suicide rates in the country; and

26 WHEREAS, discouraging suicide predators is consistent with Montana's established public policies to  
27 reduce suicide rates for persons of all ages.

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

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1           **Section 1.** Section 45-5-102, MCA, is amended to read:

2           **"45-5-102. Deliberate homicide.** (1) A person commits the offense of deliberate homicide if:

3           (a) the person purposely or knowingly causes the death of another human being; or

4           (b) the person attempts to commit, commits, or is legally accountable for the attempt or commission of  
5 robbery, sexual intercourse without consent, arson, burglary, kidnapping, aggravated kidnapping, felonious  
6 escape, assault with a weapon, aggravated assault, or any other forcible felony and in the course of the forcible  
7 felony or flight thereafter, the person or any person legally accountable for the crime causes the death of another  
8 human being.

9           (2) A person convicted of the offense of deliberate homicide shall, except as provided in [section 3], be  
10 punished by death as provided in 46-18-301 through 46-18-310, unless the person is less than 18 years of age  
11 at the time of the commission of the offense, by life imprisonment, or by imprisonment in the state prison for a  
12 term of not less than 10 years or more than 100 years, except as provided in 46-18-219 and 46-18-222."

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14           **Section 2.** Section 45-5-105, MCA, is amended to read:

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

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

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21           NEW SECTION. **Section 3. Additional sentence for offenses committed by suicide predator --**

22 **definition.** (1) If the provisions of 46-1-401 have been complied with, a suicide predator shall, in addition to the  
23 sentence for the offense, be sentenced to a term of imprisonment in a state prison as follows:

24           (a) a minimum of 15 years and a maximum of 25 years if the offense for which the suicide predator is  
25 sentenced is deliberate homicide as provided for in 45-5-102; or

26           (b) a minimum of 5 years and a maximum of 7 years if the offense for which the suicide predator is  
27 sentenced is aiding or soliciting a suicide as provided for in 45-5-105.

28           (2) As used in this section, "suicide predator" means a person who purposely or knowingly causes the  
29 death of a second person by suicide or who purposely or knowingly aids or solicits another to commit suicide with  
30 the intent of obtaining:

- 1 (a) a voyeuristic satisfaction in causing the victim's death;
- 2 (b) a business gain due to selling equipment for the purpose of causing the victim's death or a financial
- 3 gain, such as an inheritance or life insurance due to the victim's death; or
- 4 (c) the satisfaction and gain referred to in subsections (2)(a) and (2)(b).

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6 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an

7 integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 3].

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9 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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