

HB 1292-FN – AS INTRODUCED

2014 SESSION

14-2354
04/10

HOUSE BILL

1292-FN

AN ACT creating an affirmative defense for a person who causes or aids another in committing suicide.

SPONSORS: Rep. O'Flaherty, Hills 12; Rep. Winters, Hills 18; Rep. Weed, Ches 16;
Rep. Vaillancourt, Hills 15

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

 This bill creates an affirmative defense for a person who causes or aids another in committing suicide.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT creating an affirmative defense for a person who causes or aids another in committing suicide.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Causing or Aiding Suicide; Affirmative Defense. Amend RSA 630:4 by
2 inserting after paragraph II the following new paragraph:

3 III. It shall be an affirmative defense to prosecution under this section if the person who is
4 aided in committing suicide has a terminal illness which will reduce such person's life expectancy to
5 2 years or less, as certified by a physician, and the person who causes or aids the terminally ill
6 person in the suicide did so to alleviate the terminally ill person's pain and suffering.

7 2 Effective Date. This act shall take effect January 1, 2015.

HB 1292-FN - FISCAL NOTE

AN ACT creating an affirmative defense for a person who causes or aids another in committing suicide.

FISCAL IMPACT:

The Judicial Branch, Department of Corrections, and New Hampshire Association of Counties state this bill, as introduced, may decrease state and county expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 630:4, III to allow an affirmative defense in a prosecution for aiding or causing someone's suicide if the person who is aided has a terminal illness which will reduce such person's life expectancy to two years or less and the defendant did so to alleviate the terminally ill person's pain and suffering. The Branch notes that in the past 10 years only two cases have been brought to the courts pursuant to RSA 630:4. Based on this information, the Branch states this bill will likely have an impact of less than \$10,000.

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$32,872. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2013 was \$570.

The New Hampshire Association of Counties states to the extent individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties will have expenditures. The Association is unable to determine the number of individuals who may be charged, convicted, or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Judicial Council states this bill will have no fiscal impact on the Council's expenditures due to the fact that in the past five years there have been no instances of providing indigent defense representation to anyone on charges related to causing or aiding another to commit suicide.

The Department of Justice states this bill will not have a fiscal impact on the Department because such offenses are typically prosecuted by local and county prosecutors not the Department.