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HOUSE BILL NO. 1938

Offered January 8, 1997

A BILL to amend the Code of Virginia by adding in Chapter 4 of Title 18.2 an article numbered 10, consisting of sections numbered 18.2-76.3 through 18.2-76.5, relating to forced or assisted suicide; penalty.

Patrons—Marshall and Mims

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 18.2 an article numbered 10, consisting of sections numbered 18.2-76.3 through 18.2-76.5, as follows:

*Article 10.**Assisted Suicide.**§ 18.2-76.3. Assisted suicide.*

Any person who intentionally assists another person to commit or attempt to commit suicide by (i) providing the physical means by which another person commits or attempts to commit suicide, (ii) participating in a physical act by which another person commits or attempts to commit suicide, or (iii) publicly advertising, offering or holding himself out as available to assist another in the commission of suicide, shall be guilty of a Class 6 felony. Any person who by means of fraud, duress or undue influence intentionally induces another to commit or attempt to commit suicide shall be guilty of a Class 5 felony.

Withholding or withdrawing life-prolonging procedures in accordance with the Health Care Decisions Act (§ 54.1-298.1 et seq.) shall not constitute a violation of this section.

For purposes of this section "suicide" means the act or instance of taking one's own life voluntarily and intentionally.

§ 18.2-76.4. Injunctive relief: civil damages; attorney's fees.

A cause of action for injunctive relief may be maintained against any person who is about to violate or who attempts to violate § 18.2-76.3 by the attorney for the Commonwealth or by (i) any person who is entitled to inherit from or (ii) the spouse, parent, child, or sibling of the person who would commit suicide. Additionally, compensatory and exemplary damages may be awarded in a civil action to any person who suffers any loss proximately caused by a violation or attempted violation of § 18.2-76.3. Reasonable attorney's fees shall be awarded to any plaintiff who prevails in a civil action or action for injunctive relief brought under this section.

§ 18.2-76.5. Health care licensees.

A violation of this article by any health care provider shall subject the health care provider to the permanent revocation of any license to provide health care services in the Commonwealth.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$ 0.

INTRODUCED

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