

CAYMAN ISLANDS



PENAL CODE (AMENDMENT) BILL, 2019

**A BILL FOR A LAW TO AMEND THE PENAL CODE TO DECRIMINALIZE SUICIDE
AND TO INTRODUCE CRIMINAL LIABILITY FOR COMPLICITY IN ANOTHER'S
SUICIDE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

Law Reform Commission Consultation Draft 12th August, 2019

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of Legal Affairs (PLA)

Law Reform Commission Consultation Draft 12th August, 2019



Memorandum of OBJECTS AND REASONS

This Bill amends the Penal Code (2019 Revision) to provide for the decriminalization of suicide and creates a statutory offence and for criminal liability for complicity in another's suicide.

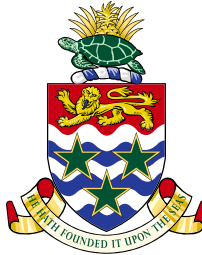
Clause 1 provides the short title of the legislation.

Clause 2 inserts in the Penal Code (2019 Revision) a new section 186A to provide for the abrogation of the rule of law which makes it is a crime for a person to commit suicide.

Clause 2 also inserts in the Penal Code (2019 Revision) new section 186B which provides for criminal liability for complicity in another's suicide so that a person who does an act capable of encouraging or assisting the suicide or attempted suicide of another person, and the act was intended to encourage or assist suicide or an attempt at suicide commits an offence and is liable on conviction to imprisonment for a term of fourteen years. A person may commit the offence whether or not a suicide, or an attempt at suicide, occurs and a person convicted of such an offence is liable to imprisonment for a term of fourteen years.

The new section 186B also provides that if on the trial of an indictment for murder or manslaughter it is proved that the deceased person committed suicide, and the accused committed an offence under that section in relation to that suicide, the accused may be found guilty of the offence. Further, proceedings shall not be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Penal Code (Amendment) Law, 2019.

Insertion of new sections 186A - suicide to cease to be a crime and 186B - criminal liability for complicity in another's suicide

2. The Penal Code (2019 Revision) in this Law referred to as the "principal Law" is amended by inserting after section 186 the following sections —

"186A Suicide to cease to be a crime

The rule of law whereby it is a crime for a person to commit suicide is abrogated.

186B Criminal liability for complicity in another's suicide

- (1) A person commits an offence if —
 - (a) that person does an act capable of encouraging or assisting the suicide or attempted suicide of another person, and



- (b) that person's act was intended to encourage or assist suicide or an attempt at suicide.
- (2) The reference to "another person" in subsection (1)(a) need not be a specific person (or class of persons) known to, or identified by, the person.
- (3) A person may commit an offence under this section whether or not a suicide, or an attempt at suicide, occurs.
- (4) An offence under this section is triable on indictment and a person convicted of such an offence is liable to imprisonment for a term of fourteen years.
- (5) If on the trial of an indictment for murder or manslaughter of a person it is proved that the deceased person committed suicide, and the accused committed an offence under subsection (1) in relation to that suicide, the person may be found guilty of the offence under subsection (1).
- (6) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (7) If a person arranges for another person to do an act that is capable of encouraging or assisting the suicide or attempted suicide of a third person and that other person does that act, the person who arranged with that other person is also to be treated for the purposes of this Act as having done it.
- (8) Where the facts are such that an act is not capable of encouraging or assisting suicide or attempted suicide, for the purposes of this Act it is to be treated as so capable if the act would have been so capable had the facts been as the person believed them to be at the time of the act or had subsequent events happened in the manner the person believed they would happen (or both).



- (9) A reference in this Act to a person doing an act that is capable of encouraging the suicide or attempted suicide of another person includes a reference to that person doing so by threatening another person or otherwise putting pressure on another person to commit or attempt suicide.”.

Passed by the Legislative Assembly the day of , 2019.

Speaker

Clerk of the Legislative Assembly

