



Eastern Region Office
PO Box 60173
Philadelphia, PA 19102
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
PO Box 23058
Pittsburgh, PA 15222
412-681-7736 T
412-681-8707 F

MEMORANDUM

TO: Pennsylvania House Judiciary Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: May 4, 2020

RE: OPPOSITION TO HOUSE BILL 1827 P.N. 2498 (KEEFER)

[HB 1827](#) (PN 2498) amends [Title 18 § 2505](#) to require the Pennsylvania Commission on Sentencing to establish a sentence enhancement for causing or aiding suicide when, at the time of the offense, the person who died by suicide is under 18 years old or has an intellectual disability.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1827 for the following reasons:

Causing or aiding suicide is already heavily penalized under current law

Intentionally causing suicide by force, duress or deception is considered criminal homicide (first-degree murder) and is punishable by death or life without parole.

Intentionally aiding or soliciting suicide that causes someone to attempt or die by suicide is graded as a second-degree felony and punishable by up to ten years of incarceration.

And intentionally aiding or soliciting suicide that does not result in an attempt or death (e.g., telling someone "I think you should kill yourself") is graded as a second-degree misdemeanor punishable by 2 years of incarceration.

Enhancements in HB 1827 are either excessive or non-applicable

Two of the offenses under this statute would not be subject to an enhancement. Enhancing a criminal homicide sentence makes little sense, as it is difficult to punish someone more than executing or incarcerating them for life. And enhancing the misdemeanor offense is not applicable; aiding or soliciting suicide is graded a misdemeanor only if those actions did not result in an attempt or death by suicide. And because the enhancement proposed by HB 1827 only applies to actions that lead to death by suicide, the misdemeanor offense is exempt from the enhancement.

The only offense that would be subject to an enhancement would be the second-degree felony. Enhancing aiding or soliciting suicide to a first-degree felony would be excessively punitive. It would carry a prison term of up to 20 years and \$25,000 in fines.

HB 1827 does not require knowledge of the person's age or disability

Furthermore, there is nothing in HB 1827 that requires a person to know (or reasonably know) that the person is under 18 years old or has an intellectual disability. Given that those two criteria are the basis upon which someone could be incarcerated for decades or even life, it is even more unreasonable to apply an enhancement that does not require prior knowledge of a person's age or disability.