

CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) -
OFFENSE OF CAUSING OR AIDING SUICIDE AND DEFINITIONS

Act of Sep. 30, 2021, P.L. 400, No. 71

Cl. 18

Session of 2021
No. 2021-71

HB 184

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in criminal homicide, further providing for the offense of causing or aiding suicide; and, in depositions and witnesses, further providing for definitions.

This act may be referred to as Shawn's Law.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2505 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2505. Causing or aiding suicide.

(a) Causing suicide as criminal homicide.--A person may be convicted of criminal homicide for causing another to [commit] **die by** suicide only if he intentionally causes such suicide by force, duress or deception.

(b) Aiding or soliciting suicide as an independent offense.--A person who intentionally aids or solicits another to [commit] **die by** suicide is guilty of a felony of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a misdemeanor of the second degree.

(c) **Sentencing.**--

(1) The Pennsylvania Commission on Sentencing, in accordance with 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentence enhancement within its guidelines for an offense under this section when at the time of the offense the person who died by suicide or was aided or solicited to die by suicide is under 18 years of age or has an intellectual disability or autism spectrum disorder.

(2) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Autism spectrum disorder." As defined under 42 Pa.C.S. § 5992 (relating to definitions), regardless of the age of the individual.

"Intellectual disability." Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas:

- (i) Communication.
- (ii) Self-care.
- (iii) Home living.
- (iv) Social and interpersonal skills.
- (v) Use of community resources.
- (vi) Self-direction.
- (vii) Functional academic skills.
- (viii) Work.

(ix) Health.

(x) Safety.

Section 2. The definition of "autism spectrum disorder" in section 5992 of Title 42 is amended to read:

§ 5992. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Autism spectrum disorder." Any of the pervasive developmental disorders defined by [the most recent edition of] the Diagnostic and Statistical Manual of Mental Disorders [(DSM), or its successor], **Fifth Edition (DSM-5)**, including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified.

* * *

Section 3. This act shall take effect in 60 days.

APPROVED--The 30th day of September, A.D. 2021.

TOM WOLF