

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 184 Session of
2021

INTRODUCED BY KEEFER, RYAN, ECKER, METCALFE, SCHLOSSBERG,
TOPPER, RAPP, ZIMMERMAN, BROOKS, GLEIM, WARNER, HERSHEY,
SCHLEGEL CULVER, MOUL, TOOHIL, GILLEN AND E. NELSON,
JANUARY 21, 2021

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 22, 2021

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 42 (JUDICIARY <--
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated
3 Statutes, in criminal homicide, further providing for the
4 offense of causing or aiding suicide; AND, IN DEPOSITIONS AND <--
5 WITNESSES, FURTHER PROVIDING FOR DEFINITIONS.

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

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

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

11 § 2505. Causing or aiding suicide.

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

16 (b) Aiding or soliciting suicide as an independent
17 offense.--A person who intentionally aids or solicits another to

1 [commit] die by suicide is guilty of a felony of the second
2 degree if his conduct causes such suicide or an attempted
3 suicide, and otherwise of a misdemeanor of the second degree.

4 (c) Sentencing.--

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

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

16 "Autism spectrum disorder." As defined under 42 Pa.C.S.
17 § 5992 (relating to definitions), regardless of the age of
18 the individual.

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

24 (i) Communication.

25 (ii) Self-care.

26 (iii) Home living.

27 (iv) Social and interpersonal skills.

28 (v) Use of community resources.

29 (vi) Self-direction.

30 (vii) Functional academic skills.

1 (viii) Work.

2 (ix) Health.

3 (x) Safety.

4 SECTION 2. THE DEFINITION OF "AUTISM SPECTRUM DISORDER" IN <--
5 SECTION 5992 OF TITLE 42 IS AMENDED TO READ:

6 § 5992. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "AUTISM SPECTRUM DISORDER." ANY OF THE PERVASIVE
11 DEVELOPMENTAL DISORDERS DEFINED BY [THE MOST RECENT EDITION OF]
12 THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS
13 [(DSM), OR ITS SUCCESSOR], FIFTH EDITION (DSM-5), INCLUDING
14 AUTISTIC DISORDER, ASPERGER'S DISORDER AND PERVASIVE
15 DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

16 * * *

17 Section ~~2~~ 3. This act shall take effect in 60 days. <--