

CAYMAN ISLANDS



PENAL CODE (AMENDMENT) (NO. 2) BILL, 2020

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**A BILL FOR A LAW TO AMEND THE PENAL CODE (2019 REVISION) TO
DECRIMINALISE SUICIDE AND TO INTRODUCE CRIMINAL LIABILITY FOR
COMPLICITY IN A PERSON'S SUICIDE; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

PUBLISHING DETAILS

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



Memorandum of OBJECTS AND REASONS

This Bill amends the Penal Code (2019 Revision) to provide for the decriminalisation of suicide and introduces criminal liability for complicity in a person'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 a crime for a person to commit suicide.

Clause 2 also inserts in the Penal Code (2019 Revision) a new section 186B which provides for criminal liability for complicity in a person's suicide. This new section provides that a person who does an act capable of encouraging or assisting the suicide or attempted suicide of another person and that act was intended to encourage or assist suicide or an attempt at suicide commits an offence. A person may also commit the offence whether or not a suicide, or an attempt at suicide occurs. Where a person commits the offence, the person is liable on conviction on indictment 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 convicted 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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A BILL FOR A LAW TO AMEND THE PENAL CODE (2019 REVISION) TO DECRIMINALISE SUICIDE AND TO INTRODUCE CRIMINAL LIABILITY FOR COMPLICITY IN A PERSON'S SUICIDE; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Penal Code (Amendment) (No. 2) Law, 2020.

**Insertion of new sections 186A and 186B in the Penal Code (2019 Revision)
- suicide to cease to be a crime; criminal liability for complicity in a person's
suicide**

2. The *Penal Code (2019 Revision)* is amended by inserting after section 186 the following sections —

“Suicide to cease to be a crime

- 186A.** The rule of law whereby it is a crime for a person to commit suicide is abrogated.

Criminal liability for complicity in a person's suicide

186B. (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 the suicide or an attempt at the suicide.
- (2) A person may commit an offence under this section whether or not a suicide, or an attempt at suicide, occurs.
- (3) 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.
- (4) 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 person accused committed an offence under subsection (1) in relation to that suicide, the person accused may be convicted of the offence under subsection (1).
- (5) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (6) 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 Law as having done the act.
- (7) Where the facts are such that an act is not capable of encouraging or assisting suicide or attempted suicide, for the purposes of this Law the act 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.



- (8) A reference in this Law 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 , 2020.

Speaker

Clerk of the Legislative Assembly