



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

H.B. NO. 7015 (RAISED) AN ACT CONCERNING AID IN DYING FOR TERMINALLY ILL PATIENTS

JOINT COMMITTEE ON JUDICIARY
March 18, 2015

The Division of Criminal Justice takes no position on the concept of H.B. No. 7015, An Act Concerning Aid in Dying for Terminally Ill Patients, but must raise serious concerns about Sections 9 (b) and 14 of the bill, which could have unintended and very unwelcome consequences.

Section 9 (b) effectively mandates the falsification of death certificates under certain circumstances. It states: "The person signing the qualified patient's death certificate shall list the underlying terminal illness as the cause of death." This is simply not the case; the actual cause of death would be the medication taken by or given to the patient. This language contradicts the death certificate form itself, which states for the person making the certification: "On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated."

This becomes problematic when read in conjunction with Section 14 of the bill, which criminalizes certain conduct in connection with regard to "aid in dying" as defined in the overall bill. The practical problem for the criminal justice system and the courts will be confronting a potential Murder prosecution where the cause of death is not accurately reported on the death certificate. We would respectfully request that Section 9 (b) be deleted in its entirety.

Section 14 of the bill makes unnecessary changes to the statutory framework for what constitutes the crime of Murder the potential results of which can only be described as bizarre. As now written, there is no causation requirement, which is an essential element of the crime of Murder. Section 14 provides that a person is guilty of Murder when he or she (1) willfully alters or forges a request for aid in dying or conceals or destroys a rescission of such a request with the intent or effect of causing the patient's death; or (2) coerces or exerts undue influence on a patient to either complete a request for aid in dying or to destroy a rescission of such a request with the intent or effect of causing the patient's death.

None of these proscribed acts causes death. In fact, under this section death is not necessarily required before Murder could be charged. Willfully altering or forging a request for

aid in dying, or concealing or destroying a rescission, may offer evidence of an intent to kill, but it does not cause death. Coercing or exerting undue influence on a patient to make a request or destroy a rescission does not cause death. Taking the fatal dose causes death and that is Murder only if the actor himself or herself administers it to the patient, or he/she coerces, forces or tricks a patient he/she knows does not want to die into self-administering the medication. Section 14 of the bill, and any associated references to it, must be deleted for these reasons.

In conclusion, the Division would respectfully request the Committee to reflect these concerns in the final drafting of any legislation on this topic. We stand ready to provide any additional information or answer any questions the Committee might have with regard to these specific concerns. Thank you.