

ASSEMBLY, No. 5469

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

**Assemblymen DiMaio, Peterson, Dancer, Assemblywoman Handlin,
Assemblyman Thomson, Assemblywoman DiMaso, Assemblymen
McGuckin, Wolfe and Clifton**

SYNOPSIS

Makes it a crime of the first degree to coerce a patient to request medication pursuant to the “Medical Aid in Dying for the Terminally Ill Act” or to forge a patient’s request for such medication.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2019)

1 AN ACT concerning medical aid in dying and amending P.L.2019,
2 c.59.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 18 of P.L.2019, c.59 (C.26:16-18) is amended to
8 read as follows:

9 18. a. A person who, without authorization of the patient, and
10 with the intent or effect of causing the patient's death, willfully
11 alters or forges a request for medication pursuant to P.L.2019, c.59
12 (C.26:16-1 et al.) or conceals or destroys a rescission of that
13 request, is guilty of a crime of the **[second]** first degree.
14 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a
15 person convicted of a crime pursuant to this subsection shall be
16 sentenced to a term of imprisonment which shall include a
17 mandatory minimum term of 25 years, during which time the
18 defendant shall not be eligible for parole. The court may not
19 suspend or make any other non-custodial disposition of any person
20 sentenced pursuant to this section.

21 b. A person who coerces or exerts undue influence on a patient
22 to request medication pursuant to P.L.2019, c.59 (C.26:16-1 et al.)
23 or to destroy a rescission of a request is guilty of a crime of the
24 **[third]** first degree. Notwithstanding the provisions of subsection a.
25 of N.J.S.2C:43-6, a person convicted of a crime pursuant to this
26 subsection shall be sentenced to a term of imprisonment which shall
27 include a mandatory minimum term of 25 years, during which time
28 the defendant shall not be eligible for parole. The court may not
29 suspend or make any other non-custodial disposition of any person
30 sentenced pursuant to this section.

31 c. Theft of medication prescribed to a qualified terminally ill
32 patient pursuant to P.L.2019, c.59 (C.26:16-1 et al.) shall constitute
33 an offense involving theft of a controlled dangerous substance as set
34 forth in N.J.S.2C:20-2.

35 d. Nothing in P.L.2019, c.59 (C.26:16-1 et al.) shall limit
36 liability for civil damages resulting from the negligence or
37 intentional misconduct of any person.

38 e. The penalties set forth in this section shall not preclude the
39 imposition of any other criminal penalty applicable under law for
40 conduct that is inconsistent with the provisions of P.L.2019, c.59
41 (C.26:16-1 et al.).

42 (cf: P.L.2019, c.59, s.18)

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44 2. This act shall take effect on the 90th day following
45 enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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STATEMENT

This bill would upgrade the crimes of coercing a patient to request medication under N.J.S.A.26:16-1 et al., the “Medical Aid in Dying for the Terminally Ill Act,” or forging a patient’s request for such medication with the intent or effect of causing the patient’s death.

Enacted as P.L.2019, c.59, the “Medical Aid in Dying for the Terminally Ill Act” permits terminally ill persons to self-administer medication to end their lives under certain circumstances. Under the enactment, it is a crime of the second degree to willfully alter or forge a request for medication pursuant to the act or to conceal or destroy a rescission of that request with the intent or effect of causing the patient’s death. It is a crime of the third degree under the enactment to coerce or exert undue influence on a patient to request such medication. This bill would upgrade both offenses to crimes of the first degree. A crime of the first degree is generally punishable by a term of imprisonment of 10-20 years, a fine of up to \$200,000, or both. Under the bill, both crimes of the first degree would be punishable by a mandatory minimum term of imprisonment of 25 years without eligibility for parole.