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

BE IT ENacted by the Senate and General Assembly of the State of New Jersey:

1. Section 18 of P.L.2019, c.59 (C.26:16-18) is amended to read as follows:
   18. a. A person who, without authorization of the patient, and with the intent or effect of causing the patient’s death, willfully alters or forges a request for medication pursuant to P.L.2019, c.59 (C.26:16-1 et al.) or conceals or destroys a rescission of that request, is guilty of a crime of the [second] first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a crime pursuant to this subsection shall be sentenced to a term of imprisonment which shall include a mandatory minimum term of 25 years, during which time the defendant shall not be eligible for parole. The court may not suspend or make any other non-custodial disposition of any person sentenced pursuant to this section.
   b. A person who coerces or exerts undue influence on a patient to request medication pursuant to P.L.2019, c.59 (C.26:16-1 et al.) or to destroy a rescission of a request is guilty of a crime of the [third] first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a crime pursuant to this subsection shall be sentenced to a term of imprisonment which shall include a mandatory minimum term of 25 years, during which time the defendant shall not be eligible for parole. The court may not suspend or make any other non-custodial disposition of any person sentenced pursuant to this section.
   c. Theft of medication prescribed to a qualified terminally ill patient pursuant to P.L.2019, c.59 (C.26:16-1 et al.) shall constitute an offense involving theft of a controlled dangerous substance as set forth in N.J.S.2C:20-2.
   d. Nothing in P.L.2019, c.59 (C.26:16-1 et al.) shall limit liability for civil damages resulting from the negligence or intentional misconduct of any person.
   e. The penalties set forth in this section shall not preclude the imposition of any other criminal penalty applicable under law for conduct that is inconsistent with the provisions of P.L.2019, c.59 (C.26:16-1 et al.).
   (cf: P.L.2019, c.59, s.18)

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