

## **CHAPTER 12.1-16 HOMICIDE**

### **12.1-16-01. Murder.**

1. A person is guilty of murder, a class AA felony, if the person:
  - a. Intentionally or knowingly causes the death of another human being;
  - b. Causes the death of another human being under circumstances manifesting extreme indifference to the value of human life; or
  - c. Acting either alone or with one or more other persons, commits or attempts to commit treason, robbery, burglary, kidnapping, felonious restraint, arson, gross sexual imposition, a felony offense against a child under section 12.1-20-03, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, or 14-09-22, or escape and, in the course of and in furtherance of such crime or of immediate flight therefrom, the person or any other participant in the crime causes the death of any person. In any prosecution under this subsection in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:
    - (1) Did not commit the homicidal act or in any way solicit, command, induce, procure, counsel, or aid the commission thereof;
    - (2) Was not armed with a firearm, destructive device, dangerous weapon, or other weapon which under the circumstances indicated a readiness to inflict serious bodily injury;
    - (3) Reasonably believed that no other participant was armed with such a weapon; and
    - (4) Reasonably believed that no other participant intended to engage in conduct likely to result in death or serious bodily injury.

Subdivisions a and b are inapplicable in the circumstances covered by subsection 2.

2. A person is guilty of murder, a class A felony, if the person causes the death of another human being under circumstances which would be class AA felony murder, except that the person causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse. The reasonableness of the excuse must be determined from the viewpoint of a person in that person's situation under the circumstances as that person believes them to be. An extreme emotional disturbance is excusable, within the meaning of this subsection only, if it is occasioned by substantial provocation, or a serious event, or situation for which the offender was not culpably responsible.

### **12.1-16-02. Manslaughter.**

A person is guilty of manslaughter, a class B felony, if he recklessly causes the death of another human being.

### **12.1-16-03. Negligent homicide.**

A person is guilty of a class C felony if he negligently causes the death of another human being.

### **12.1-16-04. Assisting the commission of suicide - Causing death by suicide - Penalties.**

1. Any person who intentionally or knowingly aids, abets, facilitates, solicits, or incites another person to commit suicide, or who provides to, delivers to, procures for, or prescribes for another person any drug or instrument with knowledge that the other person intends to attempt to commit suicide with the drug or instrument is guilty of a class C felony.
2. Any person who, through deception, coercion, or duress, willfully causes the death of another person by suicide is guilty of a class AA felony.

**12.1-16-05. Injunctive relief.**

1. A claim for relief for an injunction may be maintained against any person who has attempted or will attempt to violate subsection 1 of section 12.1-16-04 by any person who is entitled to inherit from the person who would commit suicide or who is the spouse, parent, child, sibling, or health care provider of such person.
2. Any public official with jurisdiction to prosecute or enforce the laws of this state may maintain a claim for relief for an injunction against any present or future violation or attempted violation of subsection 1 of section 12.1-16-04.

**12.1-16-06. Construction.**

Sections 12.1-16-04 through 12.1-16-06 do not preclude the use of medications or procedures necessary to relieve a person's pain or discomfort if the use of the medications or procedures is not intentionally or knowingly prescribed or administered to cause the death of that person. In addition, sections 12.1-16-04 through 12.1-16-06 do not preclude the withholding or withdrawal of life-prolonging treatment pursuant to state or federal law.

**12.1-16-07. Civil damages.**

Any person given standing under subsection 1 of section 12.1-16-05, except the health care provider, may maintain a claim for relief for compensatory and punitive damages against any person who violates or attempts to violate section 12.1-16-04. Prior knowledge of or consent to the violation by the plaintiff does not preclude a claim for relief under this section. This section does not preclude any claim under any other provision of law.

**12.1-16-08. Suspension or revocation of license of health care provider.**

If the person who assists in a suicide in violation of section 12.1-16-04 is a person who is licensed, certified, or otherwise authorized by title 43 to administer health care in the ordinary course of business or professional practice, the licensing agency that issued the license or certification to that person may suspend or revoke the license or certification of that person upon receipt of:

1. A copy of the record of criminal conviction or plea of guilty to a felony in violation of section 12.1-16-04;
2. A copy of the record of a judgment of contempt of court for violating an injunction issued under section 12.1-16-05; or
3. A copy of the record of a judgment assessing damages under section 12.1-16-07.