

KANSAS MENTAL HEALTH COALITION

...Speaking with one voice to meet the critical needs of people with mental illness

Support HB 2676 to Enact Penalties for Encouraging Suicide

Position: It is horrific to know that individuals can bully or encourage your child to end their own life without consequences - especially when those individuals know that your child is considering or planning to die by suicide. The House Judiciary Committee heard from two families for whom this nightmare is a reality.

The Problem: Two families testified to the Kansas Legislature about their family members ending their own lives due to the influence, bullying and encouragement of people known to them or online groups. One family tragedy involved an online group that coached and encouraged the individual, who was actively considering ending their life, to obtain and use a product to end their life and to not communicate with people who might try to provide support and care to choose life. The other family lost their loved one due to repeated texting encouraging them to end their own life.

Why this matters: HB 2676 would define “encouraging suicide” as knowingly encouraging a person to commit or attempt to commit suicide when:

- Such person knows the other person has communicated a desire to commit suicide;
- Encouragement of suicide is made proximate in time to the other person committing or attempting to commit suicide; and
- Such encouragement substantially influences the other person’s decision or methods used to commit or attempt to commit suicide.

For purposes of the new crime, the bill would define “encouraging a person to commit or attempt to commit suicide” as oral, written, or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide, or develop a plan to commit suicide.

The legislation provides consequences for those who would choose to encourage a person to die by suicide.

The bottom line: The Kansas Mental Health Coalition supports HB 2676 to discourage and create consequences for these actions. The Coalition is grateful to the House Judiciary Committee for taking the time to delve into this issue and create legislation that strikes a balance for constitutional rights of free speech, avoids complications of assisted suicide statutes, and addresses the injustice experienced by these families.

The Rest of the Story about HB 2676

The country has experienced a troubling increase in communications encouraging individuals to end their lives. The Kansas Mental Health Coalition supports legislation to discourage actions to coerce and bully individuals who are in crisis to end their lives.

There have been prosecutors who have charged individuals with a crime in these situations, however, Kansas statutes do not provide a basis for such charges. Massachusetts convicted a youthful offender of involuntary manslaughter in connection with her boyfriend's suicide.

The Coalition encourages a statewide conversation about prevention and the many factors that can influence the decision making of people who are experiencing suicidal thoughts and are vulnerable to groups and individuals who encourage them to end their lives rather than seeking support or treatment.

We know that people who experience suicidal thoughts can and do move beyond these moments and lead happy lives. We know that not all suicide attempts are fatal. However, the interactions that occur during times of crisis can have tragic results – ending young lives and devastating families.

There is more to be done to educate people, young and old, to understand their words matter. Communications are protected as Constitutional First Amendment Free Speech, so legislation should include extremely specific parameters to assure that such constitutional rights are not infringed.

This is also an issue for those who work in mental health. They must choose their words carefully, utilizing training to guide the use of appropriate and hopeful language. A short internet search yields multiple helpful guides for up to date recommended language to use around the topic of suicide.

The Coalition commends the House Judiciary Committee for spending extra time to research and consider multiple versions of legislation including HB 2488, original HB 2676 and now the House Substitute for HB 2676.