

STATES OF JERSEY



Jersey

DRAFT ASSISTED DYING (JERSEY) LAW 202- (P.65/2025): FIFTH AMENDMENT

**Lodged au Greffe on 10th February 2026
by the Assisted Dying Review Panel
Earliest date for debate: 24th February 2026**

STATES GREFFE

DRAFT ASSISTED DYING (JERSEY) LAW 202- (P.65/2025): FIFTH AMENDMENT

1 PAGE 167, ARTICLE 45 –

- (1) In Article 45, for the heading substitute –

45 Offence to coerce or maliciously induce decision to have assisted death

- (2) In Article 45(1), for “dishonestly” substitute “maliciously”.
(3) In Article 45(1)(c), for “withdraw” substitute “not withdraw”.

2 PAGE 167, NEW ARTICLE 46 –

- (1) After Article 45 insert –

46 Offence to coerce decision to not have assisted death

- (1) A person commits an offence if they coerce another person –
- (a) not to request assisted dying;
 - (b) to decide –
 - (i) not to end their life by assisted dying; or
 - (ii) not to request assisted dying, including not to request to proceed to the next step of the assisted dying process; or
 - (c) to withdraw their request for assisted dying.
- (2) The person is liable to a fine.

- (2) Renumber the subsequent Articles and cross-references accordingly.

ASSISTED DYING REVIEW PANEL

REPORT

[Offences of coercing decision to have, or not have, assisted death]

Summary:

The Assisted Dying Review Panel (the *Panel*) has lodged this amendment, which proposes revisions to two Articles of the Draft Assisted Dying Legislation.

1. Amendment to Article 45

The first proposed amendment seeks to substitute the term “*dishonestly*” with “*maliciously*” within Article 45. If adopted, the Article will state:

“*Offence to coerce or maliciously induce a decision to have assisted death.*”

This amendment is proposed following extensive consideration of the terminology and its potential legal and practical implications. Having undertaken a detailed examination of the relevant concepts, the Panel determined that the term “*maliciously*” more appropriately captures the intended scope of the offence and better aligns with the underlying purpose of the provision.

2. Insertion of New Article 46

The second proposed amendment introduces a new Article 46 into the Draft Legislation. This new Article will contain the existing provisions currently located within Article 45, which create an offence relating to the coercion or improper inducement of a person in connection with decisions concerning assisted dying. The effect of the amendment is to relocate these provisions so that Article 45 is dedicated solely to the offence of coercing or maliciously inducing an individual *towards* choosing an assisted death.

The Panel continues to support the principle that coercion in relation to assisted dying should constitute a criminal offence. However, following detailed analysis and ethical deliberation, the Panel considers that a clear distinction must be drawn between:

- coercing an individual *into* seeking or progressing with an assisted death; and
- coercing an individual *out of* pursuing an assisted death.

To reflect this moral and ethical distinction, the Panel recommends that the associated penalties be differentiated accordingly.

The Panel proposes that the current maximum penalty of up to 14 years’ imprisonment be retained in circumstances where an individual is coerced into requesting or proceeding with assisted dying. Conversely, where an individual is coerced into withdrawing a request for assisted dying, the Panel recommends the introduction of a separate, lower-level penalty, limited to the imposition of a fine, which should be determined by the Jersey Court System.

Background:

Part 1

During the Panel’s Review, a large number of discussions and analysis was undertaken regarding the wording and terms used within Article 45. The Panel raised a number of concerns regarding the term “*dishonestly*” and concluded that the concept of *dishonesty* is already encompassed

within the offence of coercion, and that securing a conviction for “*dishonestly inducing*” a person would present significant evidential challenges.

The Panel also determined that removing the word “*dishonestly*” altogether, leaving the article to read “Offence to coerce or induce decision to have assisted death,” would introduce additional difficulties. In particular, the term “*induce*” was considered too neutral for the criminal law, and risked inadvertently criminalising the legitimate actions of medical practitioners, while failing to set a sufficiently clear threshold for an offence.

Having reviewed a range of alternative terms, the Panel agreed that replacing “*dishonestly*” with “*maliciously*” best meets the objectives of the Article. The Panel would urge States Members to vote for this amendment as the term provides the necessary clarity, maintains appropriate protections, and ensures that the legislative intent is accurately reflected.

Part 2

As noted in the summary of this report, following rigorous scrutiny, the Panel is aligned with the Minister for Health and Social Services’ direction to ensure that a maximum penalty of up to 14 years’ imprisonment be mandated in circumstances where an individual is coerced into requesting or proceeding with assisted dying. The Panel sought advice from its expert Advisers, who agree with the authors of academic literature that they refer to their report that¹:

“through creating a specific coercion offence, ‘more protection could be granted to patients, as it reinforces a strong commitment to ensuring that the choice of assisted suicide is genuinely autonomous and voluntary.’”

The Advisers deemed the maximum sentence to be:

*“an appropriate maximum penalty, mirroring as it does that which would be imposed under the new assisted suicide offence to be added to the Homicide (Jersey) Law 1986 via the draft law”*².

The expert Advisers noted the potential for the offence to occur for someone who dishonestly induced someone to withdraw their request for an assisted death. The Advisers highlighted evidence related to the pressure that family and relatives might feel to attempt to discourage a person, or the relevant administering practitioner, from performing the assisted death. The Advisers further highlighted that, in a Dutch study, a number of Dutch GP’s were interviewed, and it was reported⁴ that some had encountered counterpressure from relatives. Their report also cites evidence from medical professionals in the United States that the reluctance to go against the relatives’ wishes was felt strongly by some patients who were coerced out of choosing an assisted death.

¹ [S-R-1-2026-Interim-Report—Review-of-the-Draft-Assisted-Dying-Legislation.pdf](#)

² Fakonti, C. & Papadopoulou, N. (2025) ‘Choice, autonomy, coercion in Scotland’s Assisted Dying for Terminally Ill Adults Bill 2024’, *Edinburgh Law Review*, 29(1), pp. 162-168.

³ Schedule 3 (Article 101.2), P.65/2025. And also mirroring the offence of assisted suicide under Section 2 of the Suicide Act 1961 in England and Wales.

⁴ de Boer, M.E. et al. (2019) ‘Pressure in Dealing with Requests for Euthanasia or Assisted Suicide. Experiences of General Practitioners’ *Journal of Medical Ethics*, 45, pp. 425-429, 427. See also Snijdwind, M.C., Van Tol, D.G., Onwuteaka-Philipsen, B.D. & Willems, D.L. (2014) ‘Complexities in Euthanasia or Physician-Assisted Suicide as Perceived by Dutch Physicians and Patients’ Relatives’ *Journal of Pain and Symptom Management*, 48, pp.1125–1134.

The Advisers informed the Panel that research was undertaken to compare offences under assisted dying laws in other jurisdictions. The Panel was informed that⁵ Victoria's Voluntary Assisted Dying Act 2017 was comparable as it an offence to induce another person to make a request for assisted dying or to self-administer the assisted dying substance by dishonesty or undue influence, with a maximum penalty of 5 years imprisonment. Western Australia's Voluntary Assisted Dying Act 2019 similarly includes coercion as a way of inducing a person. The penalty given is 7 years imprisonment. however, there is also a penalty of life imprisonment for the offence to induce someone to self-administer the assisted dying substance. In Oregon, the law states that it is a Class A Felony if any person:

*'without authorization of the patient wilfully alters or forges a request for medication or conceals or destroys a rescission of that request with the intent or effect of causing the patient's death' 'coerces or exerts undue influence on a patient to request medication for the purpose of ending the patient's life, or to destroy a rescission of such a request'*⁶

The maximum sentence for conviction is 20 years, with a maximum fine of \$375,000.

In relation to coercing or dishonestly inducing someone out of an assisted death, the Advisers noted that:

*"Jersey's draft assisted dying law is unusual in its extension of a coercion offence to someone being coerced or dishonestly induced to withdraw their request for assisted dying."*⁷

To compare, the Advisers highlighted a recently enacted assisted dying law in the Australian Capital Territory (ACT), which includes an offence that relates to inducing someone to revoke their assisted dying request alongside an offence of inducing someone to make a request. The offence states that⁸:

"Offence – inducing making or revocation of request for access to voluntary assisted dying:

- (1) A person commits an offence if the person, dishonestly or by coercion, induces an individual into making a request for access to voluntary assisted dying. Maximum penalty: imprisonment for 7 years.*
- (2) A person commits an offence if the person, dishonestly or by coercion, induces an individual into revoking a request for access to voluntary assisted dying. Maximum penalty: 100 penalty units."*⁹

The Advisers concluded that for these offences under the ACT law, there was a significant difference in penalties between the coercion offence in regard to coercing someone to revoke a request, compared to coercing someone into an assisted dying request.

⁵ [S-R-1-2026-Interim-Report—Review-of-the-Draft-Assisted-Dying-Legislation.pdf](#)

⁶ Oregon offences under the Oregon Death with Dignity Act, ORS 127.800–127.897

⁷ [S-R-1-2026-Interim-Report—Review-of-the-Draft-Assisted-Dying-Legislation.pdf](#) – page 114

⁸ ACT Voluntary Assisted Dying Act 2024 (emphasis added).

⁹ Under the ACT Legislation Act 2001, Part 13.2, section 133 'Penalty units (1) In a law, if a penalty for an offence is expressed as a number (whether whole or fractional) of penalty units, the penalty for the offence is a fine of that number of penalty units. (2) A penalty unit is— (a) for an offence committed by an individual—\$160'

Conclusion

In bringing forward these amendments, the Panel has sought to ensure that the Draft Assisted Dying Legislation provides clear, proportionate, and ethically grounded protections for individuals considering an assisted death. The proposed revision to Article 45 reflects the Panel's careful assessment of the terminology required to establish an offence that is both practicable in legal terms and aligned with the moral purpose of safeguarding genuinely autonomous decision-making. The substitution of "dishonestly" with "maliciously" offers a clearer threshold for criminal liability and avoids unintended consequences for practitioners and those offering legitimate support.

Similarly, the introduction of a new Article 46 ensures that the legislation more precisely distinguishes between different forms of coercion, recognising the markedly different moral and practical implications of pressuring an individual into an assisted death versus pressuring them to withdraw such a request. The recommended differentiation in penalties reflects this distinction, while ensuring that Jersey's legislative framework remains consistent with emerging international practice and with the expert advice received.

Overall, these amendments seek to strengthen the clarity, coherence, and ethical integrity of the Draft Legislation. The Panel encourages States Members to support the proposals so that the assisted dying framework ultimately enacted is robust, comprehensible, and capable of protecting all individuals involved in these sensitive and deeply personal decisions.

Financial and staffing implications

The proposed amendment is not expected to have any immediate financial or staffing impact.

Children's Rights Impact Assessment

The Panel considers that this proposition (amendment) has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).