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Fact Sheet

HB81: **SUICIDE: ABOLISHES COMMON-LAW CRIME of SUICIDE**

Introduced by: [Marcus B. Simon](#)
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Background information

- 1. The common-law crime of suicide is antiquated and a vestige of a cruel, bygone era.** Suicide as a common-law crime originated in England in the 1300s. Its implementation was barbaric: the body of the person who died of suicide was dragged to a crossroads and impaled. All the deceased's worldly goods were then given to the Crown. England abolished suicide as a crime in 1961, as did most commonwealth countries. India abolished it in 2019, as did Maryland (in just one legislative session). In Virginia, after eleven years of bringing this issue to the General Assembly, suicide remains a common-law. Yet, Pakistan, Ghana, Guyana and Malaysia all decriminalized suicide in 2023. ([Theguardian.com: Its-a-huge-sign-of-progress-the-battle-to-decriminalise-suicide](#))
- 2. Decriminalization of the common-law crime of suicide has absolutely nothing to do with assisted suicide.** It never did. Some groups, for political expediency, have unjustly and inappropriately tried to link the two. Abolishing suicide as a common law crime involves erasure of stigma, nothing else.
- 3. Decriminalization would support and strengthen Governor Youngkin's recent major mental health initiative, "Transforming Behavioral Health."** Without decriminalization of the common-law crime of suicide, one of the most important aspects of suicide prevention---erasing the stigma of suicide---is being dismissed.
- 4. It is hypocritical to speak of suicide prevention and then to leave the common-law crime of suicide on the books.** How can we give a soldier or first responder a medal for valor and then say that soldier or first responder is a common-law criminal if they died by suicide. Two of the Capitol Hill police officers and two of the Metropolitan Police Department (MPD) officers who defended the Capitol on January 6 died of suicide. In 2021, they were posthumously awarded the Congressional Medal of Honor by President Biden. However, as Virginia residents, until the common-law crime of suicide is abolished, they are technically common-law criminals.
- 5. Due Process: This is the only type of death where the deceased is presumed guilty until proven innocent.** The guiding principle of the Constitution is that one is presumed innocent until proven guilty. Currently, with criminalization still on the books in Virginia, a person is a common-law criminal if they die by suicide. No trial, no hearing. The burden of proof is unfairly placed on relatives. The deceased cannot mount a defense.

6. Based on statistics, suicide is a major health crisis. In 2020, according to the Centers for Disease Control (CDC), 1,202 Virginians died by suicide. Suicide was the 11th leading cause of death in Virginia. However, it was the fourth leading cause of death for those ages 25-34. Almost five times as many people died by suicide in 2019 than in alcohol-related motor vehicle accidents (CDC 2020). According to the American Foundation for Suicide Prevention, stigma surrounding suicide leads to underreporting.

7. Mental illness is thought to be related to over 90% of all suicide deaths. Hopelessness should not be a crime. Those who have died by suicide deserve compassion, *not* to be considered a common-law criminal in the eyes of the law.

8. Does not the legacy of those who died by suicide matter? The deceased's whole life – their sensitivity, kindness, artistic ability, generosity, achievement – are negated by making them a common-law criminal in the eyes of the law.

9. The stigma. The stigma of suicide affects the living as well as the dead. Those who have lost a loved one to suicide often report feeling isolated and judged by others. HB81 is a step to help erase the stigma, one of the most important aspects of suicide prevention. Depression should not be criminalized, nor should stigma be an impediment to seeking help.

10. Bipartisanship: With HB81, one is neither a Republican nor a Democrat – one is a compassionate and empathetic human being. In 2021, when this issue came up before the Senate Judiciary, three of the largest suicide prevention organizations in the United States – American Foundation for Suicide Prevention (AFSP), National Alliance on Mental Illness (NAMI), and the military Tragedy Assistance Program for Survivors (TAPS) – all supported the decriminalization of the suicide common law crime, (HB1951). In spite of these organizations sending extensive letters of support for HB1951 to the Virginia Senate Judiciary, it failed to pass. (It had passed in the House, thanks to bipartisan support.) No one, whether in the legislature or elsewhere has been spared the effects the suicide or mental illness of a spouse, child, relative, friend, neighbor, or oneself.