



**Law
Commission**
Reforming the law

Murder, Manslaughter and Infanticide



**An EasyRead report on plans to make changes to
the law about killing people**



EasyRead version

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Introduction



This is an EasyRead report from The Law Commission about changing the laws on Murder. There are a lot of difficult words in this report and some new ones. These are in **blue writing** like this. There is a list of these words and what they mean at the back of the report.



Who are the Law Commission?

They are a group of people who know a lot about the law and who are trying to make our laws better.



Why have they written this report?

Because in July 2005 the government asked them to look at the laws against killing people in England and Wales.



Some of these laws have been around for hundreds of years.



This report says Parliament needs to agree changes to our laws against killing to bring them up to date.

How did the Law Commission decide what needs to change?



They asked a lot of people what they thought.



They also looked at what happens in other countries when someone kills another person.



And they read books and reports about the law.



What is murder?

Killing a person is sometimes called **murder**. This means the person who did it meant to kill the other person or meant to hurt them very badly.

What is manslaughter?



Killing someone is not always called **murder**, sometimes it can be **manslaughter**. Usually this means the person who did it did not really mean to kill the other person (or if they did mean to, it was for a very good reason, or they were mentally ill at the time).

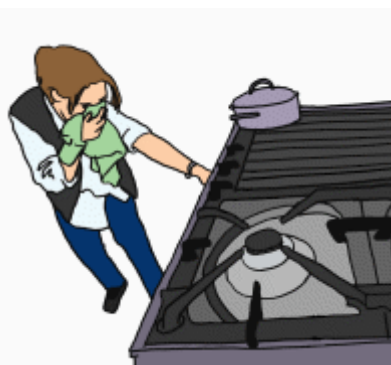


This is still very serious, but not quite as bad as **murder**. Someone found **guilty** of **manslaughter** will not spend as long in prison as someone found **guilty** of **murder**.

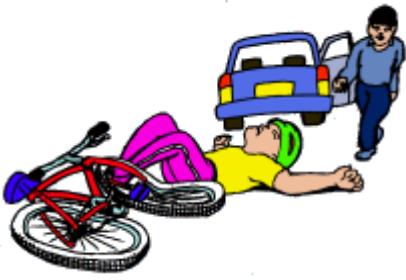


There are 4 types of **manslaughter**:

1. When someone does something really stupid that they knew might kill or badly hurt another person, this is called **reckless manslaughter**.



2. When someone does something stupid that puts another person at risk which then leads to them dying, this is called **gross negligence manslaughter**.



3. When someone does something against the law which leads to the death of another person, this is called **unlawful act manslaughter**.



4. Sometimes it can be called **manslaughter** even if someone meant to kill another person. But only if there were special reasons, like when:



- The other person was partly to blame (perhaps they had done something very bad to the killer.)

Or



- The killer had serious mental health problems at the time.

Or



- Both the victim and the killer had agreed they were going to kill themselves but it went wrong and only one died. This is called a **suicide pact**.



All of these are still very serious, but **manslaughter** is not as bad as **murder** and so a person found **guilty** of it will spend less time in prison than someone found **guilty** of **murder**.

What is wrong with our laws on killing?



Here are some reasons why the Law Commission thinks we should change our laws:



Say someone punched another person in the face very hard, broke their nose and made them fall over. Then, when they fell, they hurt their head so badly they died.



At the moment, when the case goes to court, if a jury thinks that the person who punched the other person meant to hurt them badly, that would be called serious harm and it would count as **murder**.



Since 2003, if you are found **guilty** of **murder** you will be sent to prison for **life** no matter what the reasons were behind the killing.



But, when asked, most people said they thought this was not fair and that breaking someone's nose and accidentally killing them was not as bad as murdering them on purpose.



Most people thought that it should only be called **murder** if you meant to kill someone. And if you didn't mean to kill them you should not go to prison for life.



The Law Commission thinks that the law should be changed so that when someone means to hurt another person badly and ends up killing them, it would be 1 of 2 types of case.



1. Cases where, even though someone is not planning to kill the other person, they know that what they are doing could lead to the other person's death.



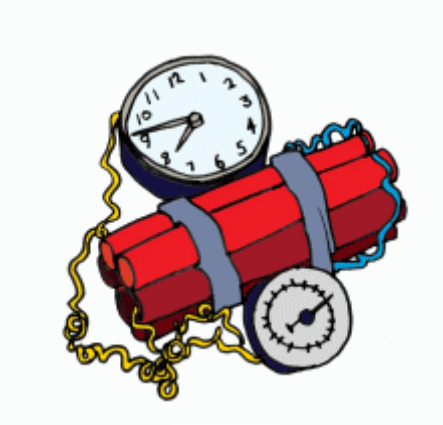
Like if somebody took another person to the top of a cliff and punched them near the edge, making them fall to their death. This would be more serious, and the killer would spend longer in prison.



2. Cases where someone meant to really hurt another person but didn't realise it could kill them. Like when the person punched someone who banged their head and died.



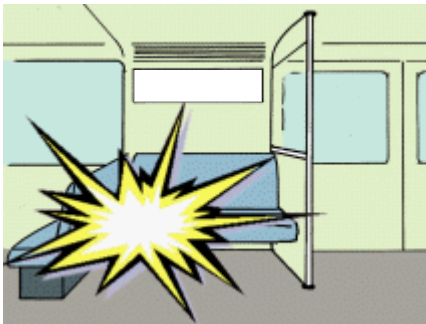
The Law Commission thinks in this case the killer should spend less time in prison than if they meant to kill them.



Sometimes a person might not mean to kill anyone but they do something so stupid and bad that people do get killed.



This would be like a terrorist who wants to frighten people with a bomb. They think because they ring up and give a warning, the area can be cleared and no one will be killed.



But say not everyone hears the warning and someone is killed in the explosion.



At the moment, because the terrorist rang and gave a warning, they would be charged with **reckless manslaughter** not **murder**.



But the Law Commission thinks they should be charged with **murder**, even though they say they didn't mean to kill anyone. Because putting a bomb somewhere is so dangerous they should have known someone could be killed.



What are the Law Commission's new ideas?

The Law Commission thinks there should be 3 different types of charge when one person kills another.

1. First Degree Murder

This would be:



- When someone meant to kill another person.

Or



- When they meant to hurt them badly and they knew it might well cause their death but they did not care. Like taking someone to the edge of a cliff and punching them, knowing they would probably fall and die.

2. Second Degree Murder

This would be:



- When someone meant to badly hurt another person but they didn't realise it would kill them

Or



- When someone hurts another person who then dies, and they knew it was a very dangerous thing to do and it might cause their death. But they did it because they wanted to hurt the other person, or make them afraid they were going to be hurt.

It would also be **second degree murder** if:



- Someone can prove the other person did something really bad that made them so angry and upset that they couldn't help the killing.



Or

- Someone kills when they can't help it because of their mental illness.



Or

- In a **suicide pact**, like when 2 people agree to kill each other but it goes wrong and only one dies.

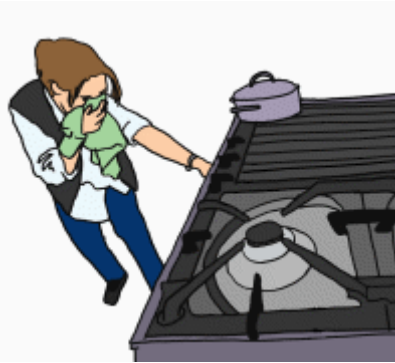
3. Manslaughter

Under the new law, this would be:



- When someone kills another person either when they are trying to hurt them, or when they commit a crime that they know could put the other person at risk of being killed.

Or



- When someone does something very stupid that leads to another person's death. Like if a member of staff in a group home knew there was a gas leak but didn't bother to report it and the house blew up and someone was killed.



Both of these killings would be **manslaughter** under the new law.

When more than one person is involved in a murder



Like when 3 football fans are walking home from a match. They see someone who supports the other team and they get into a fight. 2 of them start kicking him and when he falls over their friend stabs him in the heart and kills him.



The 2 men say they knew their friend sometimes carried a knife but they did not know he would use it. They say they didn't mean to kill the other football fan.



At the moment, if the jury decided that they didn't realise their friend might kill someone, they would be found **not guilty** of the killing. They could only be found **guilty** of **assault**, even though the victim died.



The Law Commission thinks this isn't fair and that even though what they did was not as bad as their friend who did the stabbing, they should be found **guilty** of **manslaughter** if:



- They were joining in with their friend in the attack.

Or



- They should have known that their friend might **murder** someone because he had a knife.



The Law Commission also thinks that if the two football fans knew their friend might use the knife, or wanted him to use the knife, then they should also be found **guilty** of **murder** with him.

When a mother kills her baby (this is called infanticide)



Sometimes (but not very often) when someone has a baby and they become mentally ill they end up killing the baby. When the baby is under one year old the law calls this **infanticide**.



The Law Commission thinks that doctors should be able to talk to the mother after the trial to find out what happened. At the moment sometimes the mother does not want to speak to doctors before the trial because she cannot believe she killed her baby.

Losing control because of what someone does (this is called provocation)



Provocation is when someone says they killed another person because that person did something so bad it made them lose control of themselves and kill. If the jury think they might have done the same thing, if it happened to them, then the crime is **manslaughter**, not **murder**.



This means the killer would not go to prison for life.



What should be changed?

At the moment, if someone kills a person who they are very frightened of because that person has made serious threats to hurt them, it always counts as **murder**. This means the killer would go to prison for life.



The Law Commission think the law should be changed so that if this happens then, in some cases, it should count as **manslaughter** and a person who kills through fear should not be sent to jail for life.



Having a mental illness

When someone does a crime because they have a mental health problem this is called **diminished responsibility**. The Law Commission wants to see changes in the way we decide whether someone could not help committing a crime because of their mental illness.

Being made to do a crime



When someone gets involved in a killing because they feel they have to or else they will be killed themselves, this is called **duress**.



Like when a man gets into a taxi and holds a gun to the driver's head and asks to be taken somewhere so he can kill another person. The taxi driver might feel he has to take him or he would be shot.



If the taxi driver did as he was told and the gunman shot someone dead, at the moment both the gunman and the taxi driver would be charged with **murder**.



They could both get life in prison.



The Law Commission don't think this is fair because the taxi driver only did what the gunman said as he thought he would be shot if he said no.

What should be changed?



The Law Commission think that if someone is involved in a killing because they were made to, like the taxi driver, then they should not go to prison for **murder** or even **attempted murder**.



But a jury would have to believe that they really were afraid they would be killed themselves and had no chance of calling the police.



The jury would also have to believe that anyone would have done the same thing and not fought back because it was just too dangerous.



How long should someone go to prison for if they do kill someone else?

If someone is found **guilty** of **murder** they will be sent to prison for **life**.



Usually **life** does not mean they will have to stay in prison until they die, that depends on how serious the **murder** was.



Prisoners can serve part of their sentence out in the community, if they behave well in jail and are sorry for what they did, this is called on **parole**. Then if they stay out of trouble they will not have to go back to prison.



The judge will say how long a person must stay in prison for before they can ask to be let out on parole. This is called the **minimum term**.



When that time is up the prison will decide if the killer is still dangerous or not. If they are they will have to stay in prison for longer.



When the prison decides they are not dangerous anymore they can be let out on **parole** but there might be some rules they have to follow. This is called being **on licence**.



This licence might say they have to do things like report to a police station or stay away from some places. If they do not do what it says, they might have to go back to prison.



The Law Commission thinks that its plans for first and **second degree murder** will help judges decide how long someone who kills has to spend in jail, this is called the **minimum term**.



It should make the system fairer so people spend longer in jail for **first degree murder** than they would for **second degree murder**.



So what will the new system look like?

The Law Commission sees the new system as being like a ladder, with very serious killings at the top and less serious killings at the bottom.



Killers will receive longer sentences if their crime is at the top of the ladder. So for a very serious **murder** they really will have to go to prison until they die.



But if there were reasons why the killing happened, and the crime is near the bottom of the ladder, they should get a shorter sentence and not have to go to prison for life.



The Law Commission thinks it's about time the law was changed to make the system fairer.



Parliament will read this report to see if they agree.

What the words mean



Assault

Hitting or hurting another person.



Diminished responsibility

When someone does a crime because they have a mental health problem.



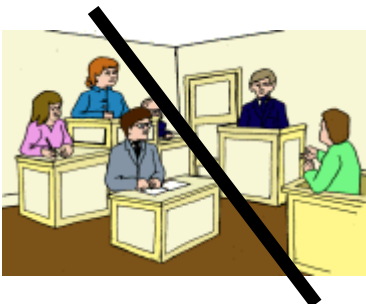
Duress

When someone gets involved in a killing because they feel they have to or they would be killed themselves.



Guilty

When someone has done something wrong or broken a law.



- **Not Guilty**

When someone has not broken a law.



Infanticide

When a mother kills a baby.



Life sentence

This can mean being sent to prison for a number of years up to until you die, but you can be let out earlier.



Manslaughter

When one person kills another but did not mean to, or if they did mean to, there were very good reasons why they killed them.



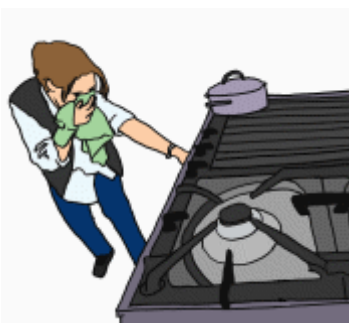
- **Reckless Manslaughter**

When someone does something really stupid that they knew might kill or badly hurt another person.



- **Unlawful Act Manslaughter**

When someone does something against the law which leads to the death of another person.



- **Gross Negligence Manslaughter.**

When someone does something stupid that puts another person at risk which then leads to them dying.



Minimum Term

When a judge says how long a person must stay in prison for before they can ask to be let out on **parole**.



Murder

When a person meant to kill someone, or killed them when trying to hurt them very badly.



- **Attempted Murder**

When someone tries to kill another person.



- **First Degree Murder**

When someone means to kill another person.



- **Second degree murder**

When someone means to badly hurt another person and knows they might die.



Provocation

When someone says they killed because the other person did something that made them lose control.



Parole (or “on licence”)

When someone is let out of prison because they are no longer seen as a danger and they are sorry for what they did.



Suicide

Killing yourself on purpose.



- **Suicide Pact**

Two or more people agreeing to kill themselves in some way.

Credits



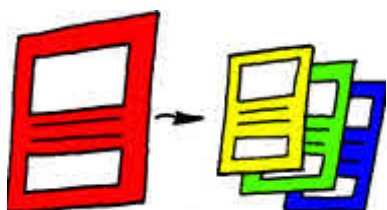
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