
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 509 Session of
1989

INTRODUCED BY FREIND, VROON, TRELLO, FLICK, GODSHALL, DeLUCA,
CLYMER, JOHNSON, BUNT, GRUPPO, ROBBINS, ADOLPH, KOSINSKI,
GLADECK, GEIST, FOX, MORRIS, NAHILL, MOEHLMANN, TIGUE,
DEMPSEY, ACOSTA, MICOZZIE, CAWLEY, BELARDI, CALTAGIRONE,
McCALL, MERRY, SCHEETZ, D. W. SNYDER, MELIO, SERAFINI,
WESTON, SAURMAN, CIVERA, RAYMOND, BURD, RITTER, HASAY,
E. Z. TAYLOR AND LANGTRY, FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, abrogating the defense of insanity.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Sections 314 and 315 of Title 18 of the
6 Pennsylvania Consolidated Statutes are amended to read:

7 § 314. Guilty but mentally ill.

8 (a) General rule.--A person [who timely offers a defense of
9 insanity in accordance with the Rules of Criminal Procedure] may
10 be found "guilty but mentally ill" at trial if the trier of
11 facts finds, beyond a reasonable doubt, that the person is
12 guilty of an offense[,] and was mentally ill at the time of the
13 commission of the offense [and was not legally insane at the
14 time of the commission of the offense].

15 (b) Plea of guilty but mentally ill.--A person who waives

1 his right to trial may plead guilty but mentally ill. No plea of
2 guilty but mentally ill may be accepted by the trial judge until
3 he has examined all reports prepared pursuant to the Rules of
4 Criminal Procedure, has held a hearing on the sole issue of the
5 defendant's mental illness at which either party may present
6 evidence and is satisfied that the defendant was mentally ill at
7 the time of the offense to which the plea is entered. If the
8 trial judge refuses to accept a plea of guilty but mentally ill,
9 the defendant shall be permitted to withdraw his plea. A
10 defendant whose plea is not accepted by the court shall be
11 entitled to a jury trial, except that if a defendant
12 subsequently waives his right to a jury trial, the judge who
13 presided at the hearing on mental illness shall not preside at
14 the trial.

15 (c) Definitions.--For the purposes of this section and 42
16 Pa.C.S. § 9727 (relating to disposition of persons found guilty
17 but mentally ill)[:

18 (1) "Mentally ill." One], the term "mentally ill" means
19 one who as a result of mental disease or defect, lacks
20 substantial capacity either to appreciate the wrongfulness of
21 his conduct or to conform his conduct to the requirements of
22 the law.

23 [(2) "Legal insanity." At the time of the commission of
24 the act, the defendant was laboring under such a defect of
25 reason, from disease of the mind, as not to know the nature
26 and quality of the act he was doing or, if he did know it,
27 that he did not know he was doing what was wrong.

28 (d) Common law M'Naghten's Rule preserved.--Nothing in this
29 section shall be deemed to repeal or otherwise abrogate the
30 common law defense of insanity (M'Naghten's Rule) in effect in

1 this Commonwealth on the effective date of this section.]

2 (d) Common law M'Naghten's Rule abrogated.--The common law
3 defense of insanity (M'Naghten's Rule) is hereby abrogated and
4 repealed.

5 § 315. Insanity.

6 [(a) General rule.--The mental soundness of an actor engaged
7 in conduct charged to constitute an offense shall only be a
8 defense to the charged offense when the actor proves by a
9 preponderance of evidence that the actor was legally insane at
10 the time of the commission of the offense.

11 (b) Definition.--For purposes of this section, the phrase
12 "legally insane" means that, at the time of the commission of
13 the offense, the actor was laboring under such a defect of
14 reason, from disease of the mind, as not to know the nature and
15 quality of the act he was doing or, if the actor did know the
16 quality of the act, that he did not know that what he was doing
17 was wrong.]

18 The insanity of an actor shall not be a defense to any
19 charged offense.

20 Section 2. All acts and parts of acts are repealed insofar
21 as they are inconsistent with this act.

22 Section 3. This act shall take effect immediately.