

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2889 Session of
1996

INTRODUCED BY BOSCOLA, WOGAN, GORDNER, WAUGH, THOMAS, GEORGE,
GODSHALL, SERAFINI, SHANER, EGOLF, SAYLOR, READSHAW, LEDERER
AND SAINATO, SEPTEMBER 25, 1996

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 25, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the defense of
3 insanity.

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

6 Section 1. Sections 314(c)(2) and (d) and 315 of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 314. Guilty but mentally ill.

9 * * *

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

13 (1) "Mentally ill." One who as a result of mental
14 disease or defect, lacks substantial capacity either to
15 appreciate the wrongfulness of his conduct or to conform his
16 conduct to the requirements of the law.

17 (2) "Legal insanity." At the time of the commission of
18 [the act, the defendant was laboring under such a defect of

1 reason, from disease of the mind, as not to know the nature
2 and quality of the act he was doing or, if he did know it,
3 that he did not know he was doing what was wrong.

4 (d) Common law M'Naghten's Rule preserved.--Nothing in this
5 section shall be deemed to repeal or otherwise abrogate the
6 common law defense of insanity (M'Naghten's Rule) in effect in
7 this Commonwealth on the effective date of this section.] the
8 offense the actor was laboring under such a defect of reason
9 from disease of the mind as not to know the nature and quality
10 of the act he was doing.

11 § 315. Insanity.

12 (a) General rule.--The mental soundness of an actor [engaged
13 in conduct charged to constitute an offense shall only be a
14 defense to the charged offense when the actor proves by a
15 preponderance of evidence that the actor was legally insane at
16 the time of the commission of the offense.] shall not be a
17 defense to any charged offense. There shall be no verdict of not
18 guilty by reason of insanity.

19 [(b) Definition.--For purposes of this section, the phrase
20 "legally insane" means that, at the time of the commission of
21 the offense, the actor was laboring under such a defect of
22 reason, from disease of the mind, as not to know the nature and
23 quality of the act he was doing or, if the actor did know the
24 quality of the act, that he did not know that what he was doing
25 was wrong.]

26 (b) Admissibility of evidence.--Evidence of legal insanity
27 of the actor shall be admissible only for the purpose of proving
28 that such insanity rendered the actor incapable of forming the
29 requisite intent or state of mind which is an element of the
30 offense.

1 (c) Definition.--As used in this section, the term "legal
2 insanity" means that, at the time of the commission of the
3 offense, the actor was laboring under such a defect of reason,
4 from disease of the mind, as not to know the nature and quality
5 of the act he was doing.

6 Section 2. This act shall take effect in 60 days.