
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 794 Session of
2009

INTRODUCED BY BOSCOLA AND ALLOWAY, APRIL 23, 2009

REFERRED TO JUDICIARY, APRIL 23, 2009

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) 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
19 reason, from disease of the mind, as not to know the nature

1 and quality of the act he was doing or, if he did know it,
2 that he did not know he was doing what was wrong.

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

10 § 315. Insanity.

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

18 (a.1) Admissibility of evidence.--Evidence of legal insanity
19 of the actor shall be admissible only for the purpose of proving
20 that such insanity rendered the actor incapable of forming the
21 requisite intent or state of mind which is an element of the
22 offense.

23 (b) Definition.--[For purposes of this section, the phrase
24 "legally insane"] As used in this section, the term "legal
25 insanity" means that, at the time of the commission of the
26 offense, the actor was laboring under such a defect of reason[,]
27 from disease of the mind[,], as not to know the nature and
28 quality of the act he was doing [or, if the actor did know the
29 quality of the act, that he did not know that what he was doing
30 was wrong].

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