

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1667

5 By: Representative Vines
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE DEFENSE OF MENTAL DISEASE OR
10 DEFECT; AND FOR OTHER PURPOSES.
11

Subtitle

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14 CONCERNING THE DEFENSE OF MENTAL DISEASE
15 OR DEFECT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-2-305(a)(1)(B), concerning the procedures
21 in court regarding the raising of a defense of mental disease or defect, is
22 amended to read as follows:

23 (B)(i) Any party or the court raises the issue of the
24 defendant's fitness to proceed or the defendant's criminal responsibility, or
25 both.

26 (ii) The court shall order a fitness-to-proceed
27 examination if it finds there is a reasonable suspicion that a defendant is
28 not fit to proceed.

29 (iii) The court shall order a criminal
30 responsibility examination if it finds there is reasonable suspicion that the
31 defendant at the time of the alleged criminal conduct lacked the capacity to
32 appreciate the criminality of his or her conduct or to conform his or her
33 conduct to the requirements of the law as a result of a mental disease or
34 defect.
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