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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 690 Session of  
2015

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INTRODUCED BY BOSCOLA, MARCH 31, 2015

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REFERRED TO JUDICIARY, MARCH 31, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in culpability, further providing for  
3 the defense of 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 a 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 the insanity rendered the actor incapable of forming the  
21 requisite intent or state of mind that 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.