

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 17

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Version: As introduced

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Subject: Competency to Proceed; Insanity Defense

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Overview

This bill abolishes the *M'Naghten* insanity test (also called the "right-wrong test"), under which a person is not criminally responsible if at the time of the crime, the person did not know the nature of the act or that it was wrong. In place of the *M'Naghten* rule, this bill would institute the Model Penal Code's substantial capacity test. Under the substantial capacity test, a person is not criminally responsible for a crime if the person lacks substantial capacity to appreciate the criminality of the person's conduct or to conform the person's conduct to the requirements of the law.

Section

1 Criminal responsibility of mentally ill or deficient.

Subd. 1. Competency to proceed. Prohibits the state from trying, sentencing, or punishing any person for a crime while the person's mental illness or deficiency makes the person incapable of understanding the proceedings or making a defense.

Subd. 2. Insanity defense. (a) Relieves a person from responsibility for criminal conduct, if at the time of the conduct, as a result of mental disease or defect, the person lacks substantial capacity either to appreciate the criminality of the person's

Section

conduct or to conform the person's conduct to the requirements of law.

(b) Explains that "mental disease" and "defect" do not include an abnormality manifested only by repeated criminal or antisocial conduct.

2 **Effective date.** This section is effective August 1, 2005, and applies to crimes committed on or after that date.