

By Mr. Sisitsky, a petition (accompanied by bill, Senate, No. 1696) of Alan D. Sisitsky for legislation relative to the defense of insanity. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-two.

AN ACT CONCERNING THE DEFENSE OF INSANITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 15 of Chapter 123 of the G.L. is hereby  
2 amended by striking the phrase "not guilty by reason of men-  
3 tal illness or defect" whenever it appears and inserting in place  
4 thereof the following phrase: —  
5 guilty but not criminally responsible on the grounds of  
6 mental disease or defect.

1 SECTION 2. Section 16 of Chapter 123 of the G.L. is hereby  
2 amended by striking the phrase "not guilty by reason of men-  
3 tal illness or defect" whenever it appears and inserting in place  
4 thereof the following phrase: —  
5 guilty but not criminally responsible on the grounds of  
6 mental disease or defect.

1 SECTION 3. Said section 16 of chapter 123 of the G.L. is  
2 hereby further amended by inserting after the second sentence  
3 of paragraph (c) the following sentence: —  
4 No person found guilty but not criminally responsible shall  
5 not be committed for terms which, in the aggregate, exceed  
6 the maximum sentence which could have been imposed if the  
7 person had been convicted of the offense or, where such maxi-  
8 mum sentence is imprisonment for life, not beyond twenty-five  
9 years.

1 SECTION 4. Chapter 278 of the General Laws is hereby  
2 amended by inserting after Section 11A the following new  
3 section: —

4 *Section 11B.* In any prosecution for an offense, a defendant

5 may be found guilty but not criminally responsible if, at the  
6 time of the proscribed conduct, he lacked substantial capacity  
7 as a result of mental disease or defect to appreciate the wrong-  
8 fulness of his conduct to the requirement of law. A finding of  
9 criminal responsibility shall not be barred if such mental dis-  
10 ease or defect was proximately caused by the voluntary in-  
11 gestion, inhalation or injection of intoxicating liquor or any  
12 drug or substance, or any combination thereof, unless such  
13 drug was prescribed for the defendant by a physician licensed  
14 under the provisions of chapter one hundred twelve and was  
15 used in accordance with the directions of such prescription.  
16 As used in this section, the terms mental disease or defect do  
17 not include an abnormality manifested only by repeated crim-  
18 inal or otherwise antisocial conduct.

1 SECTION 5. Chapter 278 of the General Laws is hereby  
2 amended by inserting after section 11B, the following new  
3 section 11C: —

4 If the court instructs the jury on the absence of criminal  
5 responsibility of a defendant on the grounds of mental disease  
6 or defect it shall, unless the defendant affirmatively objects,  
7 inform the jury of the consequences for the defendant of a  
8 finding of guilty but not criminally responsible on the grounds  
9 of mental disease or defect and the confinement and release  
10 provisions of section 16 of Chapter 123.