

2022 Regular Session

HOUSE BILL NO. 839

BY REPRESENTATIVE JORDAN

CRIMINAL/MENTAL CAPACITY: Provides relative to the insanity defense

1 AN ACT

2 To amend and reenact R.S. 14:14 and to enact R.S. 14:14.1, relative to the insanity defense;  
3 to provide relative to the defense of insanity; to create a defense of diminished  
4 capacity; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:14 is hereby amended and reenacted and R.S. 14:14.1 is hereby  
7 enacted to read as follows:

8 §14. Insanity

9 If the circumstances indicate that because of a mental disease or mental  
10 defect the offender was ~~incapable of distinguishing between right and wrong with~~  
11 ~~reference to the conduct in question~~ unable to act within legal constraints or failed  
12 to understand the criminality of his acts due to a mental defect, the offender shall be  
13 exempt from criminal responsibility.

14 §14.1. Diminished capacity

15 If the circumstances indicate that, due to a mental defect, the offender was  
16 unable to formulate the specific intent necessary for the commission of the particular  
17 offense charged, the defendant shall be charged with a lesser offense.

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 839 Original

2022 Regular Session

Jordan

**Abstract:** Provides relative to the insanity defense and creates the defense of diminished capacity.

Present law provides for a defense of insanity. Provides that an offender shall be exempt from criminal responsibility if the circumstances indicate that because of a mental disease or mental defect the offender was incapable of distinguishing between right and wrong with reference to the conduct in question.

Proposed law amends present law to provide that if an offender is unable to act within legal constraints or fails to understand the criminality of his acts due to a mental defect, the offender shall be exempt from criminal responsibility.

Proposed law provides for the defense of diminished capacity. Provides if the circumstances indicate that, due to a mental defect, the offender was unable to formulate the specific intent necessary for the commission of the particular offense charged, the defendant shall be charged with a lesser offense.

(Amends R.S. 14:14; Adds R.S. 14:14.1)