
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)