

CHAPTER 1320
CRIMINAL RESPONSIBILITY WHILE INSANE
H.F. 526

AN ACT relating to criminal responsibility for the commission of a public offense while insane.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 701.4, Code 1983, is amended to read as follows:

701.4 **INSANITY.** ~~No~~ A person shall not be convicted of any a crime if at the time such the crime is committed the person suffers from such a diseased or deranged condition of the mind so as to render the person incapable of knowing the nature and quality of the act he or she the person is committing or incapable of distinguishing between right and wrong in relation to that act. Insanity need not exist for any specific length of time before or after the commission of the alleged criminal act. If the defense of insanity is raised, the defendant must prove by a preponderance of the evidence that the defendant at the time of the crime suffered from such a deranged condition of the mind as to render the defendant incapable of knowing the nature and quality of the act the defendant was committing or was incapable of distinguishing between right and wrong in relation to the act.

Sec. 2. Rule of criminal procedure 10, subsection 11, paragraph b, subparagraph (1), Iowa court rules, second edition, is amended to read as follows:

(1) **DEFENSE OF INSANITY AND DIMINISHED RESPONSIBILITY.** If a defendant intends to rely upon the defense of insanity or diminished responsibility at the time of the alleged crime, the defendant shall, within the time provided for the filing of pretrial motions, file written notice of such intention. The court may for good cause shown, allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.

When the defendant has asserted a defense of insanity the burden of proof is on the defendant to prove insanity by a preponderance of the evidence as provided for in section 701.4.

Approved April 6, 1984