

Judiciary  
Ritsema, Chair  
Mann  
Small

MAR 18 1983

Place On Calendar

HOUSE FILE 526

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House File 24)

Passed House, Date 3-30-83 (p. 972) Passed Senate, Date 3-26-84 (p. 1651)  
Vote: Ayes 80 Nays 17 Vote: Ayes 40 Nays 8  
Approved April 6, 1984 (p. 1774)

# A BILL FOR

- 1 An Act relating to criminal responsibility for the commission
- 2 of a public offense while insane.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 526

S-5520

- 1 Amend House File 526 as passed by the House as
- 2 follows:
- 3 1. Page 1, lines 12 and 13 by striking the words
- 4 "prove by a preponderance of the evidence" and
- 5 inserting in lieu thereof the words "present evidence
- 6 from which a trier of fact could reasonably infer".
- 7 2. Page 1, by striking lines 30 through 33 and
- 8 inserting in lieu thereof the following:
- 9 "When the defense of insanity is raised, the
- 10 defendant has the burden of presenting evidence from
- 11 which a trier of fact could reasonably infer that
- 12 the defendant was not sane at the time of the alleged
- 13 criminal act."

S-5520 FILED & LOST  
MARCH 26, 1984 (p. 1651)

BY TOM MANN, JR.

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

3 701.4 INSANITY. No A person shall not be convicted of  
4 any a crime if at the time such the crime is committed the  
5 person suffers from such a diseased or deranged condition  
6 of the mind se as to render the person incapable of knowing  
7 the nature and quality of the act he-ex-she the person is  
8 committing or incapable of distinguishing between right and  
9 wrong in relation to that act. Insanity need not exist for  
10 any specific length of time before or after the commission  
11 of the alleged criminal act. If the defense of insanity is  
12 raised, the defendant must prove by a preponderance of the  
13 evidence that the defendant at the time of the crime suffered  
14 from such a deranged condition of the mind as to render the  
15 defendant incapable of knowing the nature and quality of the  
16 act the defendant was committing or was incapable of  
17 distinguishing between right and wrong in relation to the  
18 act.

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

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

30 When the defendant has asserted a defense of insanity the  
31 burden of proof is on the defendant to prove insanity by a  
32 preponderance of the evidence as provided for in section  
33 701.4.

34 EXPLANATION

35 This bill provides in a criminal case when the defense

1 of insanity is raised, that the burden of proof is shifted  
2 to the defendant to prove by a preponderance of the evidence  
3 that the defendant was insane at the time of the commission  
4 of the act.

5 This bill becomes effective July 1 following its enactment.

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HOUSE FILE 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 sueh the crime is committed the person suffers from such a diseased or deranged condition of the mind se as to render the person incapable of knowing the nature and quality of the act he-er-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.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 526, Seventieth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 6, 1984

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TERRY E. BRANSTAD  
Governor