

SENATE BILL No. 408

June 30, 1987, Introduced by Senators CARL, DINGELL, GEO. HART,
ARTHURHULTZ, DILLINGHAM, SHINKLE, WELBORN, DI NELLO, FAUST,
CHERRY and CROPEY and referred to the Committee on Judiciary.

A bill to amend section 21a of chapter VIII of Act No. 175
of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
being section 768.21a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21a of chapter VIII of Act No. 175 of
2 the Public Acts of 1927, being section 768.21a of the Michigan
3 Compiled Laws, is amended to read as follows:

4 CHAPTER VIII

5 Sec. 21a. (1) A person is legally insane if, as a result of
6 mental illness as defined in section 400a of THE MENTAL HEALTH
7 CODE, Act No. 258 of the Public Acts of 1974, being section
8 330.1400a of the Michigan Compiled Laws, or as a result of
9 ~~mental retardation~~ BEING MENTALLY RETARDED as defined in
10 section ~~500(g)~~ 500 of Act No. 258 of the Public Acts of 1974,

1 being section 330.1500 of the Michigan Compiled Laws, that person
2 ~~lacks substantial capacity either~~ IS UNABLE to appreciate THE
3 NATURE AND QUALITY OR the wrongfulness of his ~~conduct or to con-~~
4 ~~form his conduct to the requirements of law~~ OR HER ACTS.

5 (2) A person who is under the influence of voluntarily con-
6 sumed or injected alcohol or controlled substances at the time of
7 ~~his~~ THE COMMISSION OF THE alleged offense shall not thereby be
8 ~~deemed~~ CONSIDERED to have been legally insane.

9 (3) IN ANY CRIMINAL CASE THE DEFENSE OF INSANITY SHALL BE
10 FOUND BY THE TRIER OF FACT ONLY IF THE DEFENDANT PROVES BY A PRE-
11 PONDERANCE OF THE EVIDENCE THAT HE OR SHE WAS LEGALLY INSANE AT
12 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE.