

By: Phillips

H.B. No. 2374

A BILL TO BE ENTITLED

AN ACT

relating to the affirmative defense of insanity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 8.01, Penal Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) It is an affirmative defense to prosecution that, at the time of the conduct charged, the actor:

(1) ~~[r]~~ as a result of severe mental disease or defect, did not appreciate ~~[know]~~ that the actor's ~~[his]~~ conduct was wrong; or

(2) lacked the substantial capacity to conform the actor's conduct with the requirements of the law because the actor was experiencing symptoms of a serious mental illness.

(c) A serious mental illness is a condition diagnosed as such through the use of accepted scientific criteria.

SECTION 2. Section 1(e), Article 46.03, Code of Criminal Procedure, is amended to read as follows:

(e) The court shall instruct the jury on ~~[, the attorney for the state, or the attorney for the defendant may not inform a juror or a prospective juror of]~~ the consequences to the defendant if a verdict of not guilty by reason of insanity is returned.

SECTION 3. (a) This Act takes effect September 1, 2003.

(b) The change in law made by this Act applies only to an offense committed on or after September 1, 2003. An offense

1 committed before September 1, 2003, is covered by the law in effect  
2 when the offense was committed, and the former law is continued in  
3 effect for that purpose. For purposes of this subsection, an  
4 offense was committed before September 1, 2003, if any element of  
5 the offense was committed before that date.