



AN ACT DEFINING "MENTAL DISEASE OR DEFECT" FOR PURPOSES OF CRIMINAL PROCEEDINGS; AND AMENDING SECTION 46-14-101, MCA.

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

Section 1. Section 46-14-101, MCA, is amended to read:

"46-14-101. Mental disease or defect -- purpose -- definition. (1) The purpose of this section is to provide a legal standard of mental disease or defect under which the information gained from examination of the defendant, pursuant to part 2 of this chapter, regarding a defendant's mental condition is applied. The court shall apply this standard:

(a) in any determination regarding:

(i) a defendant's fitness to proceed and stand trial;

(ii) whether the defendant had, at the time that the offense was committed, a particular state of mind that is an essential element of the offense; and

(b) at sentencing when a defendant has been convicted on a verdict of guilty or a plea of guilty or nolo contendere and claims that at the time of commission of the offense for which the defendant was convicted, the defendant was unable to appreciate the criminality of the defendant's behavior or to conform the defendant's behavior to the requirements of the law.

(2) (a) As used in this chapter, "mental disease or defect" means an organic, mental, or emotional disorder that is manifested by a substantial disturbance in behavior, feeling, thinking, or judgment to such an extent that the person requires care, treatment, and rehabilitation.

(b) As used in this chapter, the The term "mental disease or defect" does not include:

(i) an abnormality manifested only by repeated criminal or other antisocial behavior;

[(ii) a developmental disability, as defined in 53-20-102;]

(iii) drug or alcohol intoxication; or

(iv) drug or alcohol addiction."

Section 2. Coordination instruction. If Senate Bill No. 35 is not passed and approved, the bracketed

language in [section 1 of this act] is void.

- END -

I hereby certify that the within bill,
SB 0057, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 57
INTRODUCED BY KEENAN
BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

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