

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 762

Short Title: Insanity Defense/Burden of Proof.

(Public)

Sponsors: Senators Horton; Allran, Ballantine, Blust, Dalton, Hartsell, Kerr, Odom, Rand, Reeves, and Wellons.

Referred to: Judiciary.

April 8, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT A CRIMINAL DEFENDANT MUST PROVE THE DEFENSE OF INSANITY BY CLEAR AND CONVINCING EVIDENCE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding the following new Article:

"ARTICLE 74.

"DEFENSES.

"§ 15A-1251. Burden of proving defense of insanity.

A defendant in a criminal case must prove the defense of insanity by clear and convincing evidence."

Section 2. This act becomes effective December 1, 1997, and applies to offenses committed on or after that date.