

1 A bill to be entitled
2 An act relating to the criminal defense of
3 insanity; creating s. 775.027, F.S.; providing
4 requirements for establishment of insanity
5 defense; defining "mental infirmity, disease,
6 or defect"; specifying conditions that do not
7 constitute legal insanity; providing that the
8 defendant has the burden of proving the
9 insanity defense by clear and convincing
10 evidence; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 775.027, Florida Statutes, is
15 created to read:

16 775.027 Insanity defense.--

17 (1) AFFIRMATIVE DEFENSE.--All persons are presumed to
18 be sane. It is an affirmative defense to a criminal
19 prosecution that, at the time of the commission of the acts
20 constituting the offense, the defendant was insane. Insanity
21 is established when:

22 (a) The defendant had a mental infirmity, disease, or
23 defect; and

24 (b) Because of this condition, the defendant:

25 1. Did not know what he or she was doing or its
26 consequences; or

27 2. Although the defendant knew what he or she was
28 doing and its consequences, the defendant did not know that
29 what he or she was doing was wrong.

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1 (2) BURDEN OF PROOF.--The defendant has the burden of
2 proving the defense of insanity by clear and convincing
3 evidence.

4 Section 2. This act shall take effect upon becoming a
5 law.