

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1667

By: Representative Vines
By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING THE DEFENSE OF MENTAL DISEASE OR
DEFECT; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE DEFENSE OF MENTAL DISEASE
OR DEFECT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-2-305(a)(1)(B), concerning the procedures in court regarding the raising of a defense of mental disease or defect, is amended to read as follows:

(B)(i) Any party or the court raises the issue of the defendant's fitness to proceed or the defendant's criminal responsibility, or both.

(ii) The court shall order a fitness-to-proceed examination if it finds there is a reasonable suspicion that a defendant is not fit to proceed.

(iii) The court shall order a criminal responsibility examination if it finds there is reasonable suspicion that the defendant at the time of the alleged criminal conduct lacked the capacity to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of the law as a result of a mental disease or defect.

