

TITLE II

SEC. 201. Section 927 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 24-301 and the following), is amended to read as follows:

§ 927. Insane criminals

"(a) Mental disease or defect excluding responsibility; sociopathic and psychopathic personality is not disease or defect:

"(1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to know or appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

"(2) The terms 'mental disease or defect' do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"(b) Evidence of mental disease or defect admissible when relevant to element of the offense:

"(1) Evidence that the defendant in a criminal proceeding suffered from a mental disease or defect shall be admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense.

"(c) Mental disease or defect excluding responsibility is affirmative defense; requirement of notice; form of verdict:

"(1) Mental disease or defect excluding responsibility is an affirmative defense which the defendant must establish by showing of substantial evidence.

"(2) Evidence of mental disease or defect excluding responsibility shall not be admissible unless the defendant, at the time of entering his plea of not guilty or within fifteen days thereafter or at such later time as the court may for good cause permit, files with the court and the prosecution written notice of his purpose to rely on such defense.

"(3) When the defendant is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state.

"(d) Mental disease or defect excluding fitness to proceed:

"(1) No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried or sentenced for the commission of an offense so long as such incapacity endures.

"(e) Psychiatric examination of defendant with respect to mental disease or defect excluding responsibility or fitness to proceed:

"(1) Whenever the defendant has filed a notice of intention to rely on the defense of mental disease or defect excluding responsibility supported by prima facie evidence submitted to the court or there is substantial reason to doubt his fitness or capacity to proceed, or substantial reason to believe that mental disease or defect of the defendant will otherwise become an issue in the case, the court shall appoint at least one qualified psychiatrist or shall request the Superintendent of the District of Columbia General Hospital or the Superintendent of Saint Elizabeths Hospital or the superintendent of any other appropriate institution to designate at least one qualified psychiatrist, which designation may be or include the superintendent of such hospital, to examine and report upon the mental condition of the defendant. The court may order the defendant committed to a hospital or other suitable facility for the purpose of examination for such reasonable period as the court may determine to be necessary for the purpose of such examination and report. The court's power to so commit a defendant shall exist, notwithstanding the fact that the defendant has been at large on bond or bail.

"(2) In such examination any method may be employed which is accepted by the medical profession for the examination of those thought to be suffering from mental disease or defect.

"(3) The report of the examination shall include the following:

"(A) A description of the nature of the examination;

"(B) A diagnosis of the mental condition of the defendant;

"(C) If the report concludes that defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

"(D) When a notice of intention to rely on the defense of irresponsibility has been filed, an opinion as to the extent, if any, to which the