

## ATTACHMENT 3

**Bar Association of the District of Columbia  
Committee on Criminal Responsibility**

To the President and Directors of the Bar Association  
of the District of Columbia.

Your Committee on Criminal Responsibility respectfully recommends that the Bar Association adopt the attached Resolution to the effect that the Congress be requested to enact legislation defining criminal insanity and providing procedure for its application to trials in the District of Columbia.

Your Committee respectfully submits its report in support of said resolution. (ED. NOTE: Debate is scheduled at the September 15 meeting.)

**RESOLUTION**

The Bar Association of the District of Columbia recommends that Congress enact the following legislation:

In all trials for criminal offenses in the courts of the District of Columbia in which the defense of insanity is in issue, the jury shall be instructed to return a verdict of not guilty on the ground of insanity unless they believe beyond a reasonable doubt that the defendant is mentally responsible for such alleged offense.

The jury shall be further instructed that the defendant is not mentally responsible if at the time of the alleged offense the defendant, because of an impaired or defective mental condition, was substantially lacking either in his capacity to appreciate that his conduct was wrong or in violation of law, or in his capacity to conform his conduct to the right or to the requirements of law. An instruction in substantially these terms shall be sufficient in all cases.

Lay testimony and expert testimony as to the existence and nature of an impaired or defective mental condition and as to its incapacitating effect shall be freely received, but the jury shall be instructed that such testimony is not binding on the jury. If sufficient evidence is received as to the existence and nature of an impaired or defective mental condition for con-