

## Session 107 - (1987-1988)

### H\*2446 (Rat #0335, Act #0323 of 1988) General Bill, By Wilkins and Sheheen

A Bill to amend Section 17-24-10, Code of Laws of South Carolina, 1976, relating to the insanity defense, so as to delete the requirement that the insanity defense is an affirmative defense and to eliminate the requirement that the defendant has the burden of proof in the insanity defense by a preponderance of the evidence; to amend Section 17-24-20, relating to the verdict of guilty but mentally ill, so as to provide that a defendant is guilty but mentally ill if he is otherwise mentally diseased but has the capacity to distinguish right from wrong, or that the defendant recognized his act as wrong, to delete the provision relating to burden of proof, and to provide that a court may not accept a plea of guilty but mentally ill unless, after a hearing, the court makes an appropriate finding on the record; to amend Section 17-24-30, relating to the form of verdicts, so as to delete the reference to the insanity defense being an affirmative defense; to amend Section 17-24-70, relating to the sentencing of a defendant found guilty but mentally ill, so as to delete the provision allowing the court to accept a plea of guilty but mentally ill; and to repeal Section 17-24-90 relating to the abrogation of the common law insanity defense.-amended title

02/11/87 House Introduced and read first time HJ-486  
02/11/87 House Referred to Committee on Judiciary HJ-486  
03/25/87 House Committee report: Favorable with amendment Judiciary HJ-1425  
03/31/87 House Debate adjourned HJ-1498  
04/01/87 House Amended HJ-1521  
04/01/87 House Read second time HJ-1523  
04/02/87 House Read third time and sent to Senate HJ-1579  
04/07/87 Senate Introduced and read first time SJ-1172  
04/07/87 Senate Referred to Committee on Judiciary SJ-1173  
05/27/87 Senate Committee report: Favorable with amendment Judiciary SJ-2373  
05/28/87 Senate Amended SJ-2435  
05/28/87 Senate Read second time SJ-2435  
05/28/87 Senate Ordered to third reading with notice of amendments SJ-2435  
05/29/87 Senate Read third time SJ-2468  
05/29/87 Senate Returned SJ-2468  
06/02/87 House Senate amendment amended HJ-3450  
06/02/87 House Returned HJ-3450  
06/03/87 Senate Non-concurrence in House amendment SJ-2687  
06/03/87 House House insists upon amendment and conference committee appointed Reps. Wilkins, JW Johnson & Nettles HJ-3644  
06/03/87 Senate Conference committee appointed Sens. Holland, Tom Smith and Hayes SJ-2763  
06/04/87 House Conference report received HJ-3722  
06/04/87 House Conference report adopted HJ-3724  
02/09/88 House Reconsider vote whereby conference report adopted HJ-1020  
02/09/88 House Recommitted to conference committee HJ-1021  
02/10/88 House Free conference powers granted HJ-1055  
02/10/88 House Free conference committee appointed Wilkins, JW Johnson & Nettles HJ-1055  
02/10/88 House Free conference report received HJ-1055  
02/10/88 House Free conference report adopted HJ-1057  
02/11/88 Senate Free conference powers granted SJ-27  
02/11/88 Senate Free conference committee appointed Senators Holland, T.E. Smith, Hayes SJ-27  
02/11/88 Senate Free conference report received SJ-27  
02/11/88 Senate Free conference report adopted SJ-27  
02/11/88 Senate Ordered enrolled for ratification SJ-30  
02/18/88 Ratified R 335  
02/24/88 Signed By Governor  
02/24/88 Effective date 02/24/88  
02/24/88 Act No. 323  
03/08/88 Copies available