

House Bill 1298

By: Representatives Mumford of the 95th, Abrams of the 84th, Abdul-Salaam of the 74th, Knox of the 24th, Cooper of the 41st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 6 of Chapter 7 of Title 17 of the Official Code of Georgia
2 Annotated, relating to insanity and mental incompetency, so as to change certain provisions
3 relating to proceedings upon a plea of insanity or mental incompetency at the time of the
4 crime; to change the standard of proof in finding a defendant mentally retarded; to provide
5 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 6 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated,
9 relating to insanity and mental incompetency, is amended by revising paragraph (3) of
10 subsection (c) of Code Section 17-7-131, relating to proceedings upon a plea of insanity or
11 mental incompetency at the time of the crime, as follows:

12 "(3) The defendant may be found 'guilty but mentally retarded' if the jury, or court acting
13 as trier of facts, finds beyond a reasonable doubt that the defendant is guilty of the crime
14 charged and finds by a preponderance of the evidence that the defendant is mentally
15 retarded. If the court or jury should make such finding, it shall so specify in its verdict."

16 **SECTION 2.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law
18 without such approval and shall apply to all trials which occur on or after the effective date
19 of this Act.

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.