

Senate Bill 443

By: Senators Fort of the 39th, Orrock of the 36th, Jones of the 10th, Davenport of the 44th,
Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to
2 proceedings upon a plea of insanity or mental incompetency at the time of a crime, so as to
3 provide that a defendant must be found to be mentally retarded by a preponderance of the
4 evidence to be found guilty but mentally retarded; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.