

# House Bill 2104

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of former Representative Donna Nelson)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies standard for determining whether defendant is guilty except for insanity.

## A BILL FOR AN ACT

Relating to guilt except for insanity; creating new provisions; and amending ORS 161.295.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 161.295 is amended to read:

161.295. (1) A person is guilty except for insanity if, as a result of mental disease or defect at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the [*criminality*] **nature and quality** of the conduct or to conform the conduct to the requirements of law.

(2) As used in chapter 743, Oregon Laws 1971, the terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, nor do they include any abnormality constituting solely a personality disorder.

**SECTION 2. The amendments to ORS 161.295 by section 1 of this 2009 Act apply to persons charged with engaging in criminal conduct that occurs on or after the effective date of this 2009 Act.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.