

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