

The Temporary Insanity Defense in California

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Abstract

This paper discusses the current status of the insanity defense in California criminal law and compares California to other states.

Currently, California criminal law does not distinguish between temporary and permanent insanity. The only relevant issue, under California law, is the defendant's sanity (or insanity) at the time of the crime's commission.

California Penal Code Section 25(b) ("Section 25(b)") creates a two prong test for sanity: The first prong requires a defendant to understand the nature and quality of his act. The second prong requires the defendant to be able to distinguish between right and wrong. A defendant who cannot satisfy both of these prongs is statutorily insane.

In 1994, the California State Senate amended Section 25(b). On the face of it, the 1994 amendment seems to be little more than a codification of existing case law; it prevents California courts from finding a defendant insane solely on the basis of a personality or adjustment disorder, a seizure disorder, or addiction to, or abuse of intoxicating substances.

While most American jurisdictions currently use two prong insanity tests similar to California's Section 25(b), there are exceptions. A significant number of states find defendants insane if they lack the substantial capacity either to appreciate the criminality of their conduct or to conform their conduct to the requirements of law. Several jurisdictions find defendants not guilty by reason of insanity if their conduct is the result of an irresistible impulse. Finally, at least one state finds defendants insane if their criminal conduct is found to be the product of a mental disease or defect.