

14-5101. Insanity; jury procedure.¹

There is an issue in this case as to the defendant's mental condition at the time the act was committed. You will be given alternative verdict forms [for each crime charged]² as follows:

"guilty";

"not guilty";

"not guilty by reason of insanity."

Only one of these forms is to be completed [for each crime charged]².

You will first consider whether the defendant committed the act charged.

If you determine that the defendant committed the act charged, but you are not satisfied beyond a reasonable doubt that the defendant was sane at the time, you must find the defendant not guilty by reason of insanity.

The defendant was insane at the time of the commission of the crime if, because of a mental disease, as explained below, the defendant

[did not know what [he] [she] was doing or understand the consequences of [his] [her] act,]

[or]³

[did not know that [his] [her] act was wrong,]

[or]

[could not prevent [himself] [herself] from committing the act].

A mental disease is a specific disorder of the mind that both substantially affects mental processes and substantially impairs behavior controls. This disorder normally must extend over a considerable period of time, as distinguished from a momentary condition arising under the pressure of circumstances.

The term mental disease does not include a personality disorder or an abnormality manifested only by repeated criminal conduct or by other anti-social conduct, and the term does not mean developmental disability.

The burden is on the state to prove beyond a reasonable doubt that the defendant was sane at the time the offense was committed. If you have a reasonable doubt as to whether the defendant was sane at the time the offense was committed, you must find the defendant not guilty by reason of insanity.

In determining the defendant's mental condition at the time the act was committed, you may consider all of the evidence, including [testimony of medical experts]³ [testimony of lay witnesses] [acts and conduct of the defendant].

USE NOTES

1. This instruction must be modified if more than one offense is charged. If there is more than one defendant, the name of the defendant raising an insanity defense should be used. If this instruction is given, add the following essential element to the essential elements instruction for the offense charged: "The defendant was sane at the time the offense was committed."

2. Use the bracketed language when there is more than one crime charged.

3. Use only applicable bracketed alternative.

[As amended, effective January 1, 1997; January 1, 1999; as amended by Supreme Court Order No. 11-8300-015, effective April 25, 2011; as amended by Supreme Court Order No. 22-8300-031, effective for all cases pending or filed on or after December 31, 2022.]