

By: Senator(s) Walls

To: Judiciary, Division B

SENATE BILL NO. 2402

1 AN ACT TO ESTABLISH DIMINISHED CAPACITY AS A DEFENSE TO
2 CRIMINAL PROSECUTION; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** It is an affirmative defense to prosecution for
5 criminal conduct that, at the time of the conduct, the defendant
6 lacked substantial capacity either to appreciate the criminality
7 of his conduct or to conform his conduct to the requirements of
8 law, and that the lack of capacity was as a result of mental
9 disease or defect.

10 **SECTION 2.** This act shall take effect and be in force from
11 and after its passage.