

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1009

Short Title: Expert Testimony/Insanity Defense.

(Public)

Sponsors: Senators McDaniel and Page.

Referred to: Judiciary I/Constitution

May 4, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE RULE OF EVIDENCE REGARDING THE
2 ADMISSIBILITY IN A CRIMINAL CASE OF CERTAIN EXPERT TESTIMONY
3 AS TO THE MENTAL STATE OR CONDITION OF A DEFENDANT.

4 The General Assembly of North Carolina enacts:

5 Section 1. Rule 704 of Chapter 8C of the General Statutes reads as rewritten:
6 "Rule 704. Opinion on ultimate issue.

7 (a) Except as provided in subsection (b), testimony ~~Testimony~~—in the form of an
8 opinion or inference is not objectionable because it embraces an ultimate issue to be
9 decided by the trier of fact.

10 (b) No expert witness testifying with respect to the mental state or condition of a
11 defendant in a criminal case may state an opinion or inference as to whether the
12 defendant did or did not have the mental state or condition constituting an element of the
13 crime charged or of a defense thereto. Such ultimate issues are matters for the trier of
14 fact alone."

15 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses
16 committed on or after that date.
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