

SOME ASPECTS OF THE INSANITY DEFENSE REFORM ACT OF 1984

18 USC ...	Description	Who Files Motion	When	Court Orders Hearing?	§4247 Exam & Report?	Standard	Burden of Proof
4241	Determining Competency	Δ, Π Court	After Conviction; b4 Sentencing	Discretion	May	Preponderance: Unable to understand or to assist in defense	Π
4242	Insanity at Time Of Offense	Π	After Defense files Rule 12.2 notice	Shall	Shall	Sufficient evidence that Δ may have been unable to appreciate wrongfulness of conduct	Δ
4243	Hospitalization: NGRI	Court Commits for hearing w/l 40 days	After Verdict	Shall	Shall	Preponderance/ clear & convincing if bodily injury, serious prop. Damage of substantial risk thereof	Δ
4244	Hospitalization: Convicted	Δ, Π Court	Within 10 days After Found Guilty	Shall	May	Preponderance	N/A *
4245	Hospitalization: Imprisoned	Π	Before Sentence Complete	Shall	May	Preponderance	N/A *
4246	Hospitalization: Due For Release	Π	Before Sentence Expires	Shall	May	Clear & Convincing (initial); Preponderance (for release)	Π then Δ

**See United States v. Sanchez, 38 F.Supp.2d 355 (D. N.J. 1999) (Statute silent & Supreme Ct has not decided who has the burden)*