

TO: ALL COMMISSION MEMBERS AND EX-OFFICIO MEMBERS
TEMPORARY COMMISSION ON REVISION
OF PENAL LAW AND CRIMINAL CODE

FROM: RICHARD G. DENZER, CHIEF COUNSEL

April 2, 1963

This is to advise you of the progress of the two Commission bills introduced at the current legislative session.

As you have doubtless read, the homicide bill, eliminating the mandatory death penalty and establishing the two-stage trial, passed both houses with flying colors and is now awaiting the Governor's signature.

The bill changing the standard of insanity as a defense emerged nicely from the Assembly Codes Committee under the guidance of our Chairman, Mr. Bartlett. Its fate on the Assembly floor, however, appeared fraught with doubt, and a torrid battle was in prospect. Feeling that discretion was the better part of valor in this instance, Dick yielded to the vigorous plea (sponsored by the District Attorneys' Association) for a one-year postponement of the issue in order to allow opportunity for further study, and withdrew the bill. It seems to be the unanimous opinion of those familiar with the situation and able to evaluate it both that this decision was a wise one and that the Commission has gained stature through its efforts and accomplishments with respect to this bill.

One of the two bills ancillary to the main "insanity" bill--the one providing for notification by the defendant of his intention to rely on the insanity defense--was left in the legislative hopper upon the theory that this is a salutary provision regardless of whether McNaghten or any other standard is the prevailing rule. Chiefly because of time factors, its ultimate fate at this session appears doubtful.

RGD/pjc