# The Insanity Defense Among the States

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Four states, including Kansas, Montana, Idaho, Utah, do not allow the insanity defense (http://criminal.findlaw.com/criminal-procedure/insanity-defense.html). In other states, the standards for proving this defense vary widely. States that do allow the insanity defense use one (or a combination) of the following legal standards:

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- The M'Naghten Rule (http://criminal.findlaw.com/criminal-procedure/the-m-naghten-rule.html)
- The Irresistible Impulse Test (http://criminal.findlaw.com/criminal-procedure/the-irresistible-impulse-test.html)
- The Model Penal Code Test (http://criminal.findlaw.com/criminal-procedure/the-model-penal-code-test-for-legal-insanity.html)
- The Durham Rule (http://criminal.findlaw.com/criminal-procedure/the-durham-rule.html)

The following provides the status of the insanity defense in each jurisdiction. See The Insanity Defense: History and Background (http://criminal.findlaw.com/criminal-procedure/the-insanity-defense-history-and-background.html) to learn more.

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| **ALABAMA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **ALASKA** | The state uses a modified version of the M'Naghten Rule. The burden of proof is on the defendant. A guilty but mentally ill verdict is allowed. |
| **ARIZONA** | The state uses a modified version of the M'Naghten Rule. The burden of proof is on the defendant. A guilty but insane verdict is allowed. |
| **ARKANSAS** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **CALIFORNIA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **COLORADO** | The state uses a modified version of the M'Naghten Rule with the Irresistible Impulse Test. The burden of proof is on the state. |
| **CONNECTICUT** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **DELAWARE** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **DISTRICT OF COLUMBIA** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **FLORIDA** | The state uses the M'Naghten Rule. The burden of proof is on the state. |
| **GEORGIA** | The state uses a modified version of the M'Naghten Rule. The burden of proof is on the defendant. A guilty but mentally ill verdict is allowed. |
| **HAWAII** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **IDAHO** | The state has abolished the insanity defense. The state allows a guilty but insane verdict. |
| **ILLINOIS** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **INDIANA** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **IOWA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **KANSAS** | The state has abolished the insanity defense. |
| **KENTUCKY** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **LOUISIANA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **MAINE** | The state uses a modified version of the Model Penal Code rule. The burden of proof is on the defendant. |
| **MARYLAND** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **MASSACHUSETTS** | The state uses the Model Penal Code rule. The burden of proof is on the state. |
| **MICHIGAN** | The state uses the Model Penal Code rule. The burden of proof is on the state. |
| **MINNESOTA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **MISSISSIPPI** | The state uses the M'Naghten Rule. The burden of proof is on the state. An acquitted by reason of insanity verdict is allowed. |
| **MISSOURI** | The state uses a modified version of the M'Naghten Rule. The burden of proof is on the defendant. |
| **MONTANA** | The state has abolished the insanity defense, although a guilty but insane verdict is allowed. |
| **NEBRASKA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |

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| **NEVADA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **NEW HAMPSHIRE** | The state uses the Durham standard. The burden of proof is on the defendant. |
| **NEW JERSEY** | The state uses the M'Naghten Rule. The burden of proof is on the state. |
| **NEW MEXICO** | The state uses the M'Naghten Rule with the Irresistible Impulse Test. The burden of proof is on the state. |
| **NEW YORK** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **NORTH CAROLINA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **NORTH DAKOTA** | The state uses the Model Penal Code rule. The burden of proof is on the state. |
| **OHIO** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **OKLAHOMA** | The state uses the M'Naghten Rule. The burden of proof is on the state. |
| **OREGON** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **PENNSYLVANIA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **RHODE ISLAND** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **SOUTH CAROLINA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **SOUTH DAKOTA** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **TENNESSEE** | The state uses the Model Penal Code rule. The burden of proof is on the state. |
| **TEXAS** | The state uses the M'Naghten Rule with the Irresistible Impulse Test. The burden of proof is on the defendant. |
| **UTAH** | The state has abolished the insanity defense, but guilty but mentally ill verdicts are allowed. |
| **VERMONT** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **VIRGINIA** | The state uses the M'Naghten Rule with the Irresistible Impulse Test. The burden of proof is on the defendant. |
| **WASHINGTON** | The state uses the M'Naghten Rule. The burden of proof is on the defendant. |
| **WEST VIRGINIA** | The state uses the Model Penal Code rule. The burden of proof is on the state. |
| **WISCONSIN** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |
| **WYOMING** | The state uses the Model Penal Code rule. The burden of proof is on the defendant. |

**Discuss Your State's Definition of Legal Insanity with a Legal Professional**

The insanity defense has been a hot topic of discussion among lawyers and the general public for decades. Whether your state's insanity definition focuses on "capacity to form a criminal intent," or "ability to differentiate between right and wrong," or "ability to appreciate the criminal nature of one's actions," the issue becomes gravely important if you or a loved one has been charged with a crime. If any of these issues apply to you, your best move is to get in touch with a local criminal defense lawyer (http://lawyers.findlaw.com/lawyer/practice/criminal-law?fli=dcta) as soon as possible.

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## Next Steps

Contact a qualified criminal lawyer to make sure your rights are protected.

(e.g., Chicago, IL or 60611) Find Lawyers

## Help Me Find a Do-It-Yourself Solution

- Criminal Law Forms (http://www.uslegalforms.com/findlaw/criminallaw/)
- Bond Forms (http://www.uslegalforms.com/findlaw/bonds/)
- Expungement Handbook - Procedures and Law (http://www.uslegalforms.com/prodpages/US-EXPCR-2.htm%7Cfdlaw)

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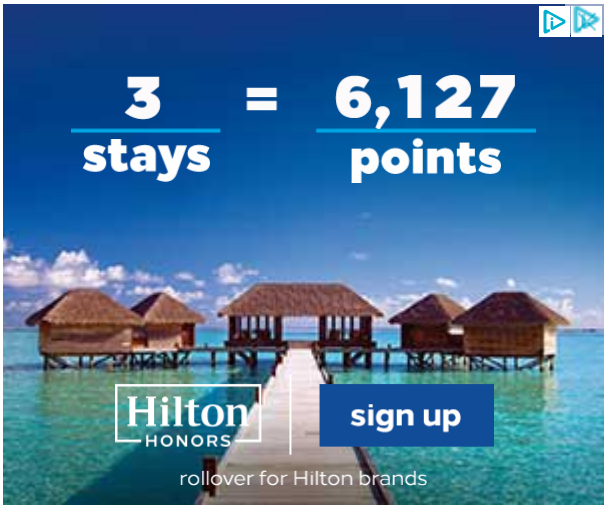


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