

CHAPTER 436.

AN ACT to repeal Section 6 of Article 59 of the Annotated Code of Public General Laws of Maryland (1924 Edition), entitled "Lunatics and Insane," sub-title "Insanity as a Defense in Criminal Cases," and to enact a new section in lieu thereof, providing for the trial and determination of the question of insanity where insanity is set up or is expected to be set up as a defense to an indictment for a crime, offense or misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 6 of Article 59 of the Annotated Code of Public General Laws of Maryland (1924 Edition), title "Lunatics and Insane," sub-title "Insanity as a Defense in Criminal Cases," be and the same is hereby repealed and a new section in lieu thereof be enacted, to be designated as Section 6.

Section 6. When any person indicted for a crime, offense or misdemeanor shall plead "not guilty by reason of insanity," or when any such person, personally or through counsel or other representative, shall make known to the court, in which the case is pending, that the said defendant is alleged to have been insane or lunatic at the time of the commission of the alleged offense and/or at the time when such report is made to the court, or when the State's Attorney shall have reason to believe that any defendant intends to allege insanity in his or her defense and so reports to the court in which the case is pending, or when the State's Attorney reports to the court that he has been informed that a person indicted has been declared to be insane, lunatic or non compos mentis, the court, at the request of the defendant, his counsel or other representative, or at the request of the State's Attorney, shall thereupon direct that a jury be impanelled in said court to decide whether the said defendant was at the time of the commission of the alleged offense sane or insane and whether at the time of the hearing thereof the said person is sane or insane; and in the selection of such jury the parties shall have the same right of challenge as would be allowed in the trial under the indictment; and in the trial of such an issue the evidence shall be limited to the question of whether the defendant was at the time of the commission of the alleged offense and/or is sane or insane; and if the jury shall find that the defendant was insane at the time of the commission of the alleged offense and is insane at the time of their finding, the court shall thereupon pass an order committing the person to an institution, hospital, almshouse or other place suited, in the judgment of the court, to the condition of such prisoner; and if the jury shall find that he was sane at the