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STUDENT NOTES

Criminal Responsibility to Determine Insanity— The Model Penal Code Test Emerges from the Currently Existing Tests

It is a matter of general knowledge that insanity is a defense to a criminal act. "A man's act does not make him guilty unless his mind also is guilty." No person can be criminally responsible for a crime unless he is sane at the time the offense is committed. In this discussion, the degree of criminal responsibility requisite to determine sanity, at the time of the alleged offense, is of prime importance. There are also certain safeguards in the law protecting the insane from trial and punishment, if insanity appears prior to trial or sentencing; although these phases of criminal irresponsibility are not reached in this note. The development of the American Law Institute's Model Penal Code test of determining criminal

¹ "Actus non facit reum nisi mens sit rea." II RADZINOWICZ & TURNER, MENTAL ABNORMALITY AND CRIME ix (1944).