

**TABLE 7.6****Various Insanity Defense Standards**

TEST	LEGAL STANDARD BECAUSE OF MENTAL ILLNESS	FINAL BURDEN OF PROOF	WHO BEARS THE BURDEN OF PROOF
M'Naghten	"Didn't know what he was doing or didn't know it was wrong"	Varies between proof by a balance of probabilities on the part of the defense to proof beyond a reasonable doubt on the part of the prosecutor	
Irresistible impulse	"Could not control his conduct"		
Durham	"The criminal act was caused by his mental illness"	Beyond reasonable doubt	Prosecutor
Browner– ALI	"Lacks substantial capacity to appreciate the wrongfulness of his conduct or to control it"	Beyond reasonable doubt	Prosecutor
Present federal law	"Lacks capacity to appreciate the wrongfulness of his conduct"	Clear and convincing evidence	Defense

Source: Morris, N. (n.d.). Crime file: Insanity defense. Washington, DC: U.S. Department of Justice, National Institute of Justice, p. 3. Retrieved from <https://www.ncjrs.gov/pdffiles1/Digitization/100742NCJRS.pdf>.