

## **Insanity Defense Developments in the United States: *Kahler v. Kansas***

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### **Abstract**

There are four main legislative models governing the insanity defense in the United States: the M'Naghten rule, M'Naghten plus volitional incapacity, Moral incapacity, and Model Penal Code. Recently, Kansas adopted a novel legislative model under which the insanity defense is no longer available as an excuse with respect to guilty, but can only be raised in the determination of subjective elements and sentencing. The U.S. Supreme Court took the *Kahler v. Kansas* case in 2020, focusing on whether the insanity defense is protected by the due process of the Fourteenth Amendment, and further discussing the nature of different legislative models for the insanity defense

**Key Words:** Insanity defense, Excuse, M'Naghten rule, Due Process Clause