

**RCW 10.77.040 Instructions to jury on special verdict.** Whenever the issue of insanity is submitted to the jury, the court shall instruct the jury to return a special verdict in substantially the following form:

- |   | answer<br>yes or no |
|---|---------------------|
| 1. Did the defendant commit the act charged?  | .....               |
| 2. If your answer to number 1 is yes, do you acquit him or her because of insanity existing at the time of the act charged?   | .....               |
| 3. If your answer to number 2 is yes, is the defendant a substantial danger to other persons unless kept under further control by the court or other persons or institutions?   | .....               |
| 4. If your answer to number 2 is yes, does the defendant present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions? | .....               |
| 5. If your answers to either number 3 or number 4 is yes, is it in the best interests of the defendant and others that the defendant be placed in treatment that is less restrictive than detention in a state mental hospital?               | .....               |

[1998 c 297 s 33; 1974 ex.s. c 198 s 4; 1973 1st ex.s. c 117 s 4.]

**Effective dates—Severability—Intent—1998 c 297:** See notes following RCW 71.05.010.