

CRIMINAL INTENT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill eliminates the defense of voluntary intoxication in a criminal action.

Highlighted Provisions:

This bill:

- ▶ eliminates the defense of voluntary intoxication in a criminal prosecution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-2-306, as enacted by Laws of Utah 1973, Chapter 196

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-2-306** is amended to read:

76-2-306. Voluntary intoxication.

Voluntary intoxication ~~[shall]~~ is not ~~[be]~~ a defense to a criminal charge ~~[unless such intoxication negates the existence of the mental state which is an element of the offense; however, if recklessness or criminal negligence establishes an element of an offense and the actor is unaware of the risk because of voluntary intoxication, his unawareness is immaterial in~~



28 a prosecution for that offense.].

Legislative Review Note
Office of Legislative Research and General Counsel