

HB0139S01 compared with HB0139

~~deleted text~~ shows text that was in HB0139 but was deleted in HB0139S01.

Inserted text shows text that was not in HB0139 but was inserted into HB0139S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Keven J. Stratton proposes the following substitute bill:

CRIMINAL INTENT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

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 for rape.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

HB0139S01 compared with HB0139

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.

(1) Voluntary intoxication [~~shall~~] is not [~~be~~] a defense to a criminal charge ~~if~~ unless such intoxication negates the existence of the mental state which is an element of the offense; ~~however, if~~. 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 a prosecution for that offense. ~~if~~.

Legislative Review Note

~~Office of Legislative Research and General Counsel~~

(2) Voluntary intoxication is not a defense to rape, as defined in Section 76-5-402.