

HOUSE BILL NO. 398

Introduced: 01/19/83

Referred to Committee on Judiciary: 01/19/83

Hearing: 1/31/83

Died in Committee

1 House BILL NO. 398
2 INTRODUCED BY J. Jensen Hanna J. Brown Stewart
3 Molan BY REQUEST OF THE TASK FORCE ON CORRECTIONS Ed Quigley
4 Brand Manahan Smith

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
6 VOLUNTARY INTOXICATION OR DRUGGED CONDITION IS NOT A DEFENSE
7 TO ANY CRIMINAL OFFENSE AND CANNOT NEGATE A MENTAL STATE
8 WHICH IS AN ELEMENT OF A CRIMINAL OFFENSE AND TO CLARIFY THE
9 TEST FOR RESPONSIBILITY FOR CONDUCT ENGAGED IN WHILE
10 INVOLUNTARILY INTOXICATED OR DRUGGED; AMENDING SECTION
11 45-2-203, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 45-2-203, MCA, is amended to read:

15 "45-2-203. Responsibility — intoxicated or drugged
16 condition. A person who is in an intoxicated or drugged
17 condition is criminally responsible for conduct unless such
18 condition is involuntarily produced ~~and deprives him of his~~
19 ~~capacity to appreciate the criminality of his conduct or to~~
20 ~~conform his conduct to the requirements of law.~~ An
21 intoxicated or drugged condition may be taken into
22 consideration in determining the existence of a mental state
23 which that is an element of the offense only when the
24 condition is involuntarily produced. A voluntarily induced
25 intoxicated or drugged condition is not a defense to any

1 offense and may not be considered in determining the
2 existence of a mental state that is an element of an
3 offense."

-End-