

HOUSE BILL NO. 558

INTRODUCED BY GOULD, MERCER, DARKO, CAMPBELL, MANNING,
IVERSON, GILBERT, ELLISON, STANG, PETERSON, WALLIN,
HAYNE, GIACOMETTO, JONES, C. SMITH, LORY, BULGER,
QUILICI, FRITZ, DEMARS, ADDY, DAILY, GLASER, SWYSGOOD,
BRANDEWIE, B. BROWN, HAGER, RASMUSSEN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 31, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 17, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1987	PRINTING REPORT.
FEBRUARY 19, 1987	SECOND READING, DO PASS.
FEBRUARY 20, 1987	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 90; NOES, 1. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 12, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 19, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 558
2 INTRODUCED BY REP. MERCER Alaska

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4 Richard Manning James William Ellison Slary
5 A BILL FOR AN ACT ENTITLED, "AN ACT REVISING AND CLARIFYING
6 THE TEST FOR RESPONSIBILITY FOR CRIMINAL CONDUCT ENGAGED IN
7 WHILE INTOXICATED; AND AMENDING SECTION 45-2-203, MCA."
8 David Robert Swingwood
Bruce Lewis Bob Brown Hagen Rasmussen

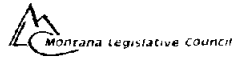
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "45-2-203. Responsibility -- intoxicated ~~or--drugged~~
12 condition. A person who is in an intoxicated ~~or--drugged~~
13 condition is criminally responsible for his conduct ~~unless~~
14 ~~such-condition-is-involuntarily-produced-and-deprives-him-of~~
15 ~~his-capacity-to-appreciate-the-criminality-of-his-conduct-or~~
16 ~~to-conform-his-conduct-to-the-requirements-of-law~~ if he knew
17 when he consumed, smoked, sniffed, injected, or otherwise
18 ingested the substance causing the condition that it was an
19 intoxicating substance. An intoxicated ~~or--drugged~~ condition
20 is not a defense to any offense and may not be taken into
21 consideration in determining the existence of a mental state
22 which is an element of the offense."

-End-

INTRODUCED BILL
HB-558



APPROVED BY COMMITTEE
ON JUDICIARY

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 2 INTRODUCED BY GOULD, MERCER, DARKO, CAMPBELL, MANNING,
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 10 THE TEST FOR RESPONSIBILITY FOR CRIMINAL CONDUCT ENGAGED IN
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 17 condition is criminally responsible for his conduct ~~unless~~
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 19 ~~his-capacity-to-appreciate-the-criminality-of-his-conduct-or~~
 20 ~~to-conform-his-conduct-to-the-requirements-of-law~~ if-he-knew
 21 ~~when--he--consumed,--smoked,--sniffed,--injected,--or--otherwise~~
 22 ~~ingested-the-substance-causing-the-condition-that-it-was--an~~
 23 ~~intoxicating--substance.~~ An AND AN intoxicated ~~or--drugged~~
 24 condition is not a defense to any offense and may not be
 25 taken into consideration in determining the existence of a

1 mental state which is an element of the offense, UNLESS THE
 2 DEFENDANT PROVES THAT HE DID NOT KNOW THAT IT WAS AN
 3 INTOXICATING SUBSTANCE WHEN HE CONSUMED, SMOKED, SNIFFED,
 4 INJECTED, OR OTHERWISE INGESTED THE SUBSTANCE CAUSING THE
 5 CONDITION."

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 17 condition is criminally responsible for his conduct unless
 18 ~~such condition is involuntarily produced and deprives him of~~
 19 ~~his capacity to appreciate the criminality of his conduct or~~
 20 ~~to conform his conduct to the requirements of law if he knew~~
 21 ~~when he consumed, smoked, sniffed, injected, or otherwise~~
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INJECTED, OR OTHERWISE INGESTED THE SUBSTANCE CAUSING THE
CONDITION."

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