

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: 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 prosecution for rape.

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.

(1) 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[;]



26 ~~however, if].~~ If recklessness or criminal negligence establishes an element of an offense and
27 the actor is unaware of the risk because of voluntary intoxication, his unawareness is
28 immaterial in a prosecution for that offense.

29 (2) Voluntary intoxication is not a defense to ~~§~~→ ~~[rape]~~ sexual offenses ←~~§~~ , as defined in
29a ~~§~~→ [Section 76-5-402] Title 76, Chapter 5, Part 4, Sexual Offenses ←~~§~~ .