

1 **CRIMINAL INTENT AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keven J. Stratton**

5 Senate Sponsor: Todd Weiler

6

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ eliminates the defense of voluntary intoxication in a prosecution for rape.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **76-2-306**, as enacted by Laws of Utah 1973, Chapter 196

20

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

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

23 **76-2-306. Voluntary intoxication.**

24 (1) Voluntary intoxication [~~shall~~] is not [~~be~~] a defense to a criminal charge unless such
25 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 sexual offenses, as defined in Title 76,
30 Chapter 5, Part 4, Sexual Offenses.