

SENATE BILL 30

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E2

1998 Regular Session  
8lr0283

(PRE-FILED)

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By: **Senator Baker**

Requested: August 27, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Evidence - Voluntary Intoxication - Inadmissibility**

3 FOR the purpose of prohibiting the use of voluntary intoxication as a defense to any  
4 criminal offense; prohibiting the consideration of voluntary intoxication in  
5 determining the existence of any state of mind or any general or specific intent  
6 that is an element of any criminal offense; defining certain terms; and generally  
7 relating to evidence of voluntary intoxication.

8 BY adding to

9 Article - Courts and Judicial Proceedings

10 Section 10-919

11 Annotated Code of Maryland

12 (1995 Replacement Volume and 1997 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 10-919.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "INTOXICATION" MEANS A DISTURBANCE OF MENTAL OR PHYSICAL  
20 CAPACITY IN A PERSON RESULTING FROM THE INTRODUCTION INTO THE BODY OF  
21 ANY:

22 (I) ALCOHOL;

23 (II) CONTROLLED DANGEROUS SUBSTANCE;

24 (III) PRESCRIPTION MEDICATION TAKEN IN A DOSE THAT IS NOT  
25 PROPERLY PRESCRIBED; OR

1 (IV) OTHER SUBSTANCE.

2 (3) "INTOXICATION" DOES NOT INCLUDE A DISTURBANCE OF MENTAL  
3 OR PHYSICAL CAPACITY IN A PERSON RESULTING FROM THE INTRODUCTION INTO  
4 THE BODY OF A PROPERLY PRESCRIBED DOSAGE OF PRESCRIPTION MEDICATION.

5 (4) "VOLUNTARY INTOXICATION" MEANS INTOXICATION CAUSED BY ANY  
6 SUBSTANCE THAT A PERSON:

7 (I) KNOWINGLY INTRODUCES INTO THE PERSON'S BODY; AND

8 (II) KNOWS OR HAS REASON TO KNOW CAUSES INTOXICATION.

9 (B) VOLUNTARY INTOXICATION IS NOT A DEFENSE TO ANY CRIMINAL  
10 OFFENSE AND MAY NOT BE CONSIDERED IN DETERMINING THE EXISTENCE OF ANY  
11 STATE OF MIND OR ANY GENERAL OR SPECIFIC INTENT THAT IS AN ELEMENT OF  
12 ANY CRIMINAL OFFENSE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 1998.