

SENATE BILL 30

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1998 Regular Session
8lr0283

(PRE-FILED)

By: ~~Senator Baker~~ **Senators Baker, Jimeno, Haines, Forehand, Colburn,
and Kelley**

Requested: August 27, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 5, 1998

CHAPTER _____

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.

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

4 (I) ALCOHOL;

5 (II) CONTROLLED DANGEROUS SUBSTANCE;

6 (III) PRESCRIPTION MEDICATION ~~TAKEN IN A DOSE THAT IS NOT~~
7 ~~PROPERLY PRESCRIBED~~ THAT IS NOT TAKEN AS PRESCRIBED FOR THE PERSON; OR

8 (IV) OTHER SUBSTANCE.

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

12 (4) "VOLUNTARY INTOXICATION" MEANS INTOXICATION CAUSED BY ANY
13 SUBSTANCE THAT A PERSON:

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

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

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

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