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HOUSE BILL 1672

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Bush, Sheahan, Ballasiotes, Koster, O'Brien, Quall, McDonald, Costa, Carrell, Johnson, DeBolt, Sherstad, Clements, Talcott, Reams, Thompson, Backlund, Delvin, Honeyford, Smith, Mulliken, McMorris, Cody, Scott, Pennington, Kastama, Boldt, Dunn, Hickel, Sheldon, Buck, Benson, Keiser, Blalock, Lambert and Cooke

Read first time 02/04/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting the use of voluntary intoxication as  
2 a defense against a criminal charge; and amending RCW 9A.16.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.16.090 and 1975 1st ex.s. c 260 s 9A.16.090 are  
5 each amended to read as follows:

6 (1) No act committed by a person while in a state of voluntary  
7 intoxication shall be deemed less criminal by reason of ((his)) the  
8 person's condition((, but whenever the actual existence of any  
9 particular mental state is a necessary element to constitute a  
10 particular species or degree of crime, the fact of his intoxication may  
11 be taken into consideration in determining such mental state)).  
12 Voluntary intoxication is not a defense to any criminal charge, nor may  
13 the fact of voluntary intoxication be used by a defendant to  
14 demonstrate the lack of any particular mental state that is an element  
15 of a crime charged. Nothing in this section prohibits the prosecution  
16 from introducing evidence of a defendant's intoxication.

1        (2) This section applies to voluntary intoxication produced by any  
2 agent, including but not limited to alcohol or any drug.

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