
HOUSE BILL 2028

State of Washington

56th Legislature

1999 Regular Session

By Representatives Bush, O'Brien, Ballasiotes, Kastama, DeBolt, Sullivan, Lambert, Keiser, Benson, Miloscia, McDonald, Boldt, Quall, Talcott, Mulliken, Clements, Scott, Barlean, Koster, Dunn, Ruderman, Stensen, Delvin, Mielke, Esser, Pennington, Carrell, Cox, Schindler, Lovick, Schoesler, Schual-Berke, Sump, D. Sommers, Fortunato, Buck, McMorris, Kessler, Anderson, Rockefeller, D. Schmidt, Mitchell, Kagi, Conway and Campbell

Read first time 02/15/1999. Referred to Committee on Judiciary.

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 and
3 9A.08.010.

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

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

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

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

1 **Sec. 2.** RCW 9A.08.010 and 1975 1st ex.s. c 260 s 9A.08.010 are
2 each amended to read as follows:

3 (1) Kinds of Culpability Defined.

4 (a) INTENT. A person acts with intent or intentionally when
5 (~~he~~):

6 (i) The person acts with the objective or purpose to accomplish a
7 result which constitutes a crime; or

8 (ii) The person is voluntarily intoxicated and acts in a manner
9 that would be considered intentional if the person were not
10 intoxicated.

11 (b) KNOWLEDGE. A person knows or acts knowingly or with knowledge
12 when:

13 (i) (~~he~~) The person is aware of a fact, facts, or circumstances
14 or result described by a statute defining an offense; or

15 (ii) (~~he~~) The person is voluntarily intoxicated and acts in a
16 manner that would be considered knowing if the person were not
17 intoxicated.

18 If a person has information which would lead a reasonable (~~man~~)
19 person in the same situation to believe that facts exist which facts
20 are described by a statute defining an offense, the fact-finder may,
21 but need not, infer that the person acted knowingly.

22 (c) RECKLESSNESS. A person is reckless or acts recklessly when
23 (~~he~~):

24 (i) The person knows of and disregards a substantial risk that a
25 wrongful act may occur and (~~his~~) the disregard of such substantial
26 risk is a gross deviation from conduct that a reasonable (~~man~~) person
27 would exercise in the same situation; or

28 (ii) The person is voluntarily intoxicated and acts in a manner
29 that would be considered reckless if the person were not intoxicated.

30 (d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts
31 with criminal negligence when (~~he~~) the person fails to be aware of a
32 substantial risk that a wrongful act may occur and (~~his~~) the failure
33 to be aware of such substantial risk constitutes a gross deviation from
34 the standard of care that a reasonable (~~man~~) person would exercise in
35 the same situation.

36 (2) Substitutes for Criminal Negligence, Recklessness, and
37 Knowledge. When a statute provides that criminal negligence suffices
38 to establish an element of an offense, such element also is established
39 if a person acts intentionally, knowingly, or recklessly. When

1 recklessness suffices to establish an element, such element also is
2 established if a person acts intentionally or knowingly. When acting
3 knowingly suffices to establish an element, such element also is
4 established if a person acts intentionally.

5 (3) Culpability as Determinant of Grade of Offense. When the grade
6 or degree of an offense depends on whether the offense is committed
7 intentionally, knowingly, recklessly, or with criminal negligence, its
8 grade or degree shall be the lowest for which the determinative kind of
9 culpability is established with respect to any material element of the
10 offense.

11 (4) Requirement of Wilfulness Satisfied by Acting Knowingly. A
12 requirement that an offense be committed wilfully is satisfied if a
13 person acts knowingly with respect to the material elements of the
14 offense, unless a purpose to impose further requirements plainly
15 appears.

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