
HOUSE BILL 2386

State of Washington 60th Legislature 2007 Regular Session

By Representative Kristiansen

Read first time 03/14/2007. 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 has information which would lead a
16 reasonable (~~man~~) person in the same situation to believe that facts
17 exist which facts are described by a statute defining an offense; or

18 (iii) The person is voluntarily intoxicated and acts in a manner
19 that would be considered knowing if the person were not intoxicated.

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

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

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

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

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

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

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

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

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