

2 **SHB 1672** - S AMD - 441

3 By Senators Kline and Zarelli

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5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

24 (1) Kinds of Culpability Defined.

25 (a) INTENT. A person acts with intent or intentionally when ((he))  
26 the person acts with the objective or purpose to accomplish a result  
27 which constitutes a crime.

28 (b) KNOWLEDGE. A person knows or acts knowingly or with knowledge  
29 when:

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

32 (ii) ((he)) The person has information which would lead a  
33 reasonable ((man)) person in the same situation to believe that facts  
34 exist which facts are described by a statute defining an offense.

1 (c) RECKLESSNESS. A person is reckless or acts recklessly when  
2 ((he)):

3 (i) The person knows of and disregards a substantial risk that a  
4 wrongful act may occur and ((his)) the disregard of such substantial  
5 risk is a gross deviation from conduct that a reasonable ((man)) person  
6 would exercise in the same situation; or

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

9 (d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts  
10 with criminal negligence when ((he)) the person fails to be aware of a  
11 substantial risk that a wrongful act may occur and ((his)) the failure  
12 to be aware of such substantial risk constitutes a gross deviation from  
13 the standard of care that a reasonable ((man)) person would exercise in  
14 the same situation.

15 (2) Substitutes for Criminal Negligence, Recklessness, and  
16 Knowledge. When a statute provides that criminal negligence suffices  
17 to establish an element of an offense, such element also is established  
18 if a person acts intentionally, knowingly, or recklessly. When  
19 recklessness suffices to establish an element, such element also is  
20 established if a person acts intentionally or knowingly. When acting  
21 knowingly suffices to establish an element, such element also is  
22 established if a person acts intentionally.

23 (3) Culpability as Determinant of Grade of Offense. When the grade  
24 or degree of an offense depends on whether the offense is committed  
25 intentionally, knowingly, recklessly, or with criminal negligence, its  
26 grade or degree shall be the lowest for which the determinative kind of  
27 culpability is established with respect to any material element of the  
28 offense.

29 (4) Requirement of Wilfulness Satisfied by Acting Knowingly. A  
30 requirement that an offense be committed wilfully is satisfied if a  
31 person acts knowingly with respect to the material elements of the  
32 offense, unless a purpose to impose further requirements plainly  
33 appears."

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4 On page 1, line 2 of the title, after "charge;" strike the  
5 remainder of the title and insert "and amending RCW 9A.16.090 and  
6 9A.08.010."

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