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HOUSE BILL 1011

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Bush, O'Brien, Armstrong, Chase, Mielke, Delvin, Hunt, Quall, Boldt, Pearson, Sump, Miloscia, Cox, Ruderman, Roach, Lovick, Schindler, Shabro, Woods, Buck, Benson, McMahan, Schoesler, Schual-Berke, Talcott, Anderson, Kagi, Rockefeller, Condotta, Conway, Alexander, Kenney, Campbell, Sullivan and Nixon

Prefiled 1/2/2003. Read first time 01/13/2003. 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 Wilfulness Satisfied by Acting Knowingly. A  
11 requirement that an offense be committed wilfully 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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