

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 815

H.P. 592

House of Representatives, February 20, 2003

An Act To Exclude Voluntary Intoxication as a Criminal Defense

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator SAVAGE of Knox and
Representatives: COLLINS of Wells, COWGER of Hallowell, McNEIL of Rockland, Senator:
MAYO of Sagadahoc.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the enforcement of the criminal laws is a paramount
concern to the health, safety and welfare of the State; and

8 **Whereas,** the problems with people intoxicated by alcohol and
10 drugs already place a large burden on the State's criminal
justice system; and

12 **Whereas,** the potential of intoxicated people using their
14 intoxication as a defense to criminal activity threatens the
integrity of the judicial process; and

16 **Whereas,** in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 17-A MRSA §37, sub-§1.** as enacted by PL 1981, c. 324,
§14, is amended to read:

26 1. ~~Except as provided in subsection 2, evidence~~ Evidence of
28 intoxication may raise a reasonable doubt as to the existence of
a required culpable state of mind, unless the intoxication is
30 self-induced.

32 **Sec. 2. 17-A MRSA §37, sub-§2.** as enacted by PL 1981, c. 324,
§14, is repealed.

34 **Emergency clause.** In view of the emergency cited in the
36 preamble, this Act takes effect when approved.

38

SUMMARY

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42 This bill removes the exception to the statute that allows
the defense of self-induced intoxication to a criminal charge if
44 the only mental state required as an element of the offense is
recklessness.