



2013 ASSEMBLY BILL 780

February 18, 2014 - Introduced by Representatives NASS, AUGUST, BIES and JACQUE, cosponsored by Senator KEDZIE. Referred to Committee on Judiciary.

1 **AN ACT** *to repeal* 939.24 (3); and *to amend* 939.42 (intro.), 939.42 (1) and 939.42
2 (2) of the statutes; **relating to:** eliminating voluntary intoxication as a defense
3 to criminal liability.

Analysis by the Legislative Reference Bureau

Under current law, if a person is intoxicated or drugged when he or she is alleged to have committed a crime, the intoxication or drugged condition is a defense to criminal liability if: 1) the person was involuntarily intoxicated or drugged at the time of the alleged offense and the person's condition rendered him or her incapable of distinguishing between right and wrong; or 2) the person's condition, whether voluntarily or involuntarily produced, made it impossible for him or her to have had the intent necessary to commit the crime. Voluntary intoxication, however, is generally not a defense in the second situation if the offense charged is based on the person's criminal recklessness. This bill eliminates the defense of voluntary intoxication.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 939.24 (3) of the statutes is repealed.

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1 **SECTION 2.** 939.42 (intro.) of the statutes is amended to read:

2 **939.42 Intoxication.** (intro.) An intoxicated or a drugged condition of the
3 actor is a defense only if such condition is involuntarily produced and does one of the
4 following:

5 **SECTION 3.** 939.42 (1) of the statutes is amended to read:

6 **939.42 (1)** ~~Is involuntarily produced and renders~~ Renders the actor incapable
7 of distinguishing between right and wrong in regard to the alleged criminal act at
8 the time the act is committed; ~~or.~~

9 **SECTION 4.** 939.42 (2) of the statutes is amended to read:

10 **939.42 (2)** Negatives the existence of a state of mind essential to the crime,
11 except as provided in s. 939.24 (3).

12 **(END)**