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BAR CONSUMPTION OF ALCOHOL OR DRUGS AS A DEFENSE

House Bill 5398

Sponsor: Rep. Ruth Johnson

Committee: Criminal Justice

Complete to 12-10-01

A SUMMARY OF HOUSE BILL 5398 AS INTRODUCED 11-1-01

The bill would amend the Code of Criminal Procedure to specify that it would not be a defense to any crime that, at the time the crime was allegedly committed, an individual was under the influence of or impaired by voluntarily-consumed alcohol, drugs, or controlled substances, or any other substance or compound, or a combination of substance and compound, that allegedly impaired the individual's judgment or mental or physical abilities to the degree that the individual was not able to conform his or her conduct to the requirements of the law or appreciate the criminality of the conduct.

The bill would not apply if an individual proved by clear and convincing evidence that he or she had consumed a legally obtained and properly used medication or other substance and did not know or should not have known that such consumption could impair his or her judgment or mental or physical abilities to the degree that he or she could not conform his or her conduct to the requirements of law or appreciate the criminality of the conduct.

The bill would define "consumed" as meaning to have eaten, drunk, ingested, inhaled, injected, or topically applied, or to have performed any combination of those actions, or otherwise introduce into the body.

MCL 760.37

House Bill 5398 (12-10-01)

Analyst: S. Stutzky

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