

HOUSE BILL No. 5398

November 1, 2001, Introduced by Rep. Ruth Johnson and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 37 to chapter VIII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VIII

1
2 SEC. 37. (1) IT IS NOT A DEFENSE TO ANY CRIME THAT AT THE
3 TIME THE CRIME WAS ALLEGEDLY COMMITTED AN INDIVIDUAL WAS UNDER
4 THE INFLUENCE OF OR IMPAIRED BY VOLUNTARILY CONSUMED ALCOHOL,
5 DRUGS, OR CONTROLLED SUBSTANCES, OR ANY OTHER SUBSTANCE OR COM-
6 POUND, OR A COMBINATION OF SUBSTANCE AND COMPOUND, THAT ALLEGEDLY
7 IMPAIRED THE INDIVIDUAL'S JUDGMENT OR MENTAL OR PHYSICAL ABILI-
8 TIES TO THE DEGREE THAT THE INDIVIDUAL COULD NOT CONFORM HIS OR
9 HER CONDUCT TO THE REQUIREMENTS OF THE LAW OR APPRECIATE THE
10 CRIMINALITY OF THE CONDUCT.

1 (2) SUBSECTION (1) DOES NOT APPLY IF AN INDIVIDUAL PROVES BY
2 CLEAR AND CONVINCING EVIDENCE TO THE COURT THAT THE INDIVIDUAL
3 WHO HAS CONSUMED A LEGALLY OBTAINED AND PROPERLY USED MEDICATION
4 OR OTHER SUBSTANCE DID NOT KNOW OR SHOULD NOT HAVE KNOWN THAT THE
5 INDIVIDUAL'S JUDGMENT, OR MENTAL OR PHYSICAL ABILITIES COULD, BY
6 CONSUMING THAT MEDICATION OR OTHER SUBSTANCE, BECOME IMPAIRED TO
7 THE DEGREE THAT THE INDIVIDUAL COULD NOT CONFORM HIS OR HER CON-
8 DUCT TO THE REQUIREMENTS OF LAW OR APPRECIATE THE CRIMINALITY OF
9 THE CONDUCT.

10 (3) AS USED IN THIS SECTION, "CONSUMED" MEANS TO HAVE EATEN,
11 DRUNK, INGESTED, INHALED, INJECTED, OR TOPICALLY APPLIED, OR TO
12 HAVE PERFORMED ANY COMBINATION OF THOSE ACTIONS, OR OTHERWISE
13 INTRODUCED INTO THE BODY.