



**GOV. MSG. NO. 1348**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

SB3034 HD1 CD1

RELATING TO PENAL LIABILITY.  
**ACT 243**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 9 2024

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

S.B. NO. 3034  
H.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO PENAL LIABILITY.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 702-230, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§702-230 Intoxication[-]; self-induced; not self-induced;~~  
4 pathological; affirmative defense. (1) Self-induced  
5 intoxication is prohibited as a defense to any offense, except  
6 as specifically provided in this section.

7 (2) Evidence of the [~~nonsel-~~self-induced or pathological]  
8 intoxication of the defendant that is not self-induced  
9 intoxication or that is pathological intoxication shall be  
10 admissible to prove or [~~negative~~] disprove the conduct alleged  
11 or the state of mind sufficient to establish an element of the  
12 offense. Evidence of self-induced intoxication of the defendant  
13 is admissible to prove or [~~negative~~] disprove conduct or to  
14 prove the state of mind sufficient to establish an element of an  
15 offense. Evidence of self-induced intoxication of the defendant  
16 is not admissible to [~~negative~~] disprove the state of mind  
17 sufficient to establish an element of the offense.



1 (3) Intoxication does not, in itself, constitute a  
2 physical or mental disease, disorder, or defect within the  
3 meaning of section 704-400.

4 (4) Intoxication that is:

5 (a) Not self-induced[+] intoxication; or

6 (b) Pathological[7] intoxication,

7 is [a] an affirmative defense if by reason of the intoxication,  
8 the defendant at the time of the defendant's conduct lacks  
9 substantial capacity [~~either~~] to engage in the alleged conduct,  
10 to have the state of mind sufficient to establish an element of  
11 the offense, to appreciate [~~its~~] the wrongfulness of the  
12 defendant's conduct, or to conform the defendant's conduct to  
13 the requirements of law.

14 (5) [~~In~~] As used in this section:

15 "Intoxication" means a disturbance of mental or physical  
16 capacities resulting from the introduction of substances into  
17 the body.

18 "Lacks substantial capacity" means capacity that has been  
19 impaired to such a degree that only an extremely limited amount  
20 remains.



1 "Pathological intoxication" means intoxication grossly  
2 excessive in degree, given the amount of the intoxicant, to  
3 which the defendant does not know the defendant is susceptible  
4 and [~~which~~] that results from a physical abnormality of the  
5 defendant.

6 "Self-induced intoxication" means intoxication caused by  
7 substances [~~which~~] that the defendant knowingly introduces into  
8 the defendant's body, the tendency of which to cause  
9 intoxication the defendant knows or ought to know, unless the  
10 defendant introduces [~~them~~] the substances pursuant to medical  
11 advice or under [~~such~~] circumstances [~~as~~] that would afford a  
12 defense to a charge of a penal offense."

13 SECTION 2. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval;  
19 provided that on July 1, 2034, this Act shall be repealed and  
20 section 702-230, Hawaii Revised Statutes, shall be reenacted in



- 1 the form in which it read on the day prior to the effective date
- 2 of this Act.



S.B. NO. 3034  
H.D. 1  
C.D. 1

APPROVED this **9th** day of **July**, 2024



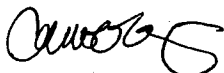
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 3034, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives