
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~~] shall be prohibited as a defense to any
6 offense, except as specifically provided in this section.

7 (2) Evidence of the [~~nonself-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~~] shall be admissible to prove or [~~negative~~] disprove conduct
14 or to prove the state of mind sufficient to establish an element
15 of an offense. Evidence of self-induced intoxication of the
16 defendant [~~is~~] shall not be admissible to [~~negative~~] disprove



1 the state of mind sufficient to establish an element of the
2 offense.

3 (3) Intoxication [~~does~~] shall not, in itself, constitute a
4 physical or mental disease, disorder, or defect within the
5 meaning of section 704-400.

6 (4) Intoxication that is:

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

8 (b) Pathological[+] intoxication,

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

16 (5) [~~It~~] As used in this section:

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



1 "Lacks substantial capacity" means capacity that has been
2 impaired to such a degree that only an extremely limited amount
3 remains.

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

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

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000;
2 provided that on July 1, 2027, this Act shall be repealed and
3 section 702-230, Hawaii Revised Statutes, shall be reenacted in
4 the form in which it read on the day prior to the effective date
5 of this Act.



Report Title:

Penal Liability; Intoxication; Affirmative Defense

Description:

Explicitly categorizes defenses based on intoxication that is not self-induced or is pathological as affirmative defenses. Sunsets 7/1/2027. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

