



2005 ASSEMBLY BILL 838

November 23, 2005 – Introduced by Representatives LOTHIAN, NASS, AINSWORTH, BIES, HAHN and KREIBICH, cosponsored by Senators KEDZIE and LASSA. 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:** voluntary intoxication as a defense to criminal
3 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4 **SECTION 1.** 939.24 (3) of the statutes is repealed.

