
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[~~r~~] 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.



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 7/1/2034. (CD1)

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

