



1 defendant accountable for his or her criminal behavior, while  
2 also comporting with the defendant's right to due process of  
3 law, and

4 WHEREAS, it is the intent of the Legislature to  
5 prohibit a jury from considering evidence of a defendant's  
6 voluntary intoxicated condition in determining whether he or  
7 she possesses the requisite mental state to commit the crime  
8 for which he or she is charged, NOW, THEREFORE,

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 90.4051, Florida Statutes, is  
13 created to read:

14 90.4051 Responsibility; intoxication.--

15 (1) Notwithstanding s. 90.803 or any other law, a  
16 person who is voluntarily in an intoxicated condition is  
17 criminally responsible for his conduct. Voluntary intoxication  
18 is not a defense to any offense and may not be taken into  
19 consideration in determining the existence of a mental state  
20 that is an element of the offense. If the defendant, outside  
21 the presence of the jury, proves to the court by a  
22 preponderance of the evidence that he or she did not know that  
23 a substance was an intoxicating substance when he or she  
24 consumed, smoked, inhaled, injected, or otherwise ingested the  
25 intoxicating substance, the court may allow the evidence to be  
26 submitted to the jury or considered by the court.

27 (2) As used in this section, the term "intoxicating  
28 substance" means a substance capable of producing  
29 intoxication, and the term "intoxication" means a disturbance  
30 of physical or mental capacities resulting from the  
31 introduction of a substance into the body.

