

By Senator Silver

38-368-99

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A bill to be entitled
An act relating to criminal prosecutions;
providing that voluntary intoxication is not a
defense to prosecution for an offense;
providing exceptions; providing an effective
date.

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

Section 1. Voluntary intoxication resulting from the consumption, ingestion, or other use of alcohol or of controlled substances as defined in section 893.02, Florida Statutes, is not a defense to a prosecution for any criminal offense. Evidence of a defendant's voluntary intoxication is not admissible to show that the defendant lacked the specific intent to commit an offense and is not admissible to show that the defendant was insane at the time of the offense, except when the consumption, injection, or other use of a controlled substance was pursuant to a lawful prescription issued by a practitioner as defined in section 893.02, Florida Statutes.

Section 2. This act shall take effect July 1, 1999.

SENATE SUMMARY

Removes voluntary intoxication through consumption, ingestion, or other use of alcohol or controlled substances as a defense in a prosecution for a criminal offense, and provides that evidence of voluntary intoxication is inadmissible to show insanity or lack of intent unless the controlled substance was consumed, ingested, or used pursuant to a prescription by a medical practitioner.