

# House Bill 3456

Sponsored by COMMITTEE ON RULES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates defense to criminal conduct if defendant was involuntarily intoxicated.

### A BILL FOR AN ACT

Relating to involuntary intoxication.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) Notwithstanding ORS 161.125, it is an affirmative defense in a prosecution for a crime, that the defendant, as the result of involuntary intoxication at the time of engaging in criminal conduct, lacked the substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law.**

**(2) No evidence may be introduced by the defendant on the issue of involuntary intoxication unless the defendant files notice of the intention to do so at the time the defendant pleads not guilty, unless the court finds just cause to allow the filing at a later date.**

**(3) As used in this section:**

**(a) "Activity that is incompatible with the side effects of the medication" may include, but is not limited to, driving.**

**(b) "Involuntary intoxication" means intoxication caused by the consumption of a substance:**

**(A) Through excusable ignorance;**

**(B) As a result of the coercion, fraud, artifice or contrivance of another person; or**

**(C) In accordance with a valid prescription, unless the person undertakes activity that is incompatible with side effects of the medication and the person knew, or reasonably should have known, of the side effects.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.