I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
233-36 (LS)	V. Anthony Ada Frank Blas Jr. Joanne Brown Christopher M. Dueñas Telo T. Taitague Mary Camacho Torres	AN ACT TO *AMEND* §7.58(c) OF ARTICLE, 2CHAPTER 7, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO HOLDING PERSONS CRIMINALLY RESPONSIBLE FOR CRIMES COMMITTED AFTER INTENTIONALLY CONSUMING ALCOHOL AND OTHER SUBSTANCES BY REPEALING THE LIMITATIONS OF THE INTOXICATION DEFENSE.	12/10/21 10:59 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. **233-36 (LS)**

Introduced by:

V. Anthony Ada
Frank F. Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Telo T. Taitague
Mary Camacho Torres

AN ACT TO *AMEND* §7.58(c) OF ARTICLE, 2CHAPTER 7, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO HOLDING PERSONS CRIMINALLY RESPONSIBLE FOR CRIMES COMMITTED AFTER INTENTIONALLY CONSUMING ALCOHOL AND OTHER SUBSTANCES BY REPEALING THE LIMITATIONS OF THE INTOXICATION DEFENSE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam law excludes the use of a mental illness or diminished capacity defense for self-induced intoxication. This exclusion, however, caps the *mens rea* (criminal intent) for crimes committed while intoxicated at "reckless." This limitation lowers the degree of criminal culpability for certain crimes that include but are not limited to *assault, criminal sexual conduct* and *criminal homicide*.

It is the intent of *I Liheslatura* to remove defenses or limitations of culpability for crimes committed by those who voluntarily consumed alcohol or other intoxicating substances.

Section 2 §7.58(c) of Article 2, Chapter 7, Title 9 Guam Code Annotated is *amended* to read as follows:

"(c) ~~A person is reckless with respect to an element of the offense, even though his disregard thereof is not conscious, if his not being conscious thereof is due to self-induced intoxication.~~ A person who asserts a defense of insanity or diminished mental capacity, and who is under the influence or knowingly consumed, injected, inhaled, subcutaneously absorbed or ingested alcohol, controlled substances, or volatile substances at the time of the alleged offense is *not* excused from criminal responsibility on the basis of mental illness or diminished capacity if the alcohol or substance caused, triggered, or substantially contributed to the state of mental illness or diminished mental capacity."