



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 794

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: January 24, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 794 would make it clear that a person is still responsible for their actions in an intoxicated condition. Intoxication cannot be utilized as a defense to negate the intent element of a criminal charge unless a defendant first proves by clear and convincing evidence that the intoxication was not voluntary

Further, the bill establishes that mental conditions caused by voluntary intoxication are not included as part of the affirmative defense of insanity as set forth in section 29-2203; and, that any evidence of the same is inadmissible.

Finally, the legislation prohibits the use of repeated criminal or antisocial conduct from acting as the basis for a claim of insanity as an affirmative defense to a criminal charge.

Principal Introducer:

Senator Amanda McGill