

14-5106. Involuntary intoxication; defined.¹

An issue you must consider in this case is whether the defendant was intoxicated and if so, whether the intoxication was involuntary.

Intoxication is involuntary if:²

[a person is forced to become intoxicated against the person's will]

[a person becomes intoxicated by using (alcohol)³ (drugs) without knowing the intoxicating character of the (alcohol)³ (drugs) and without willingly assuming the risk of possible intoxication].

USE NOTES

1. If this instruction is given, add to the essential elements instruction for the offense charged:

[The defendant was not involuntarily intoxicated at the time the offense was committed or, if the defendant was involuntarily intoxicated, then the defendant nonetheless [knew what (he) (she) was doing or understood the consequences of (his) (her) act]³

[or]

[knew that (his) (her) act was wrong]

[or]

[could have prevented (himself) (herself) from committing the act].

2. Use only the applicable source of the intoxication.

3. Use only the applicable alternative or alternatives.

[As amended, effective January 1, 1997; as amended by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]