24-25.02 Definition Of Voluntary Intoxication Or Drugged Condition

A voluntarily [(intoxicated) (drugged)] person is criminally responsible for his conduct unless his [(intoxication) (drugged condition)] is so extreme as to suspend the power of reason and render him incapable of forming a specific intent which is an element of the offense of _____.

[A voluntarily [(intoxicated) (drugged)] condition is not a defense to the charge of _____.]

Committee Note

720 ILCS 5/6-3(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §6-3(a) (1991)).

Give Instruction 24-25.02A.

Public Act 85-670, effective January 1, 1988, amended Section 6-3(a) of the Criminal Code to change the definition of voluntarily intoxicated or drugged condition. For offenses allegedly committed before that date, use the form of this instruction as it appeared in the IPI-Criminal Second Edition (1981). See People v. Marinez, 196 Ill.App.3d 316, 553 N.E.2d 765, 143 Ill.Dec. 58 (3d Dist.1990).

Under the statute before January 1, 1988, a voluntarily intoxicated or drugged condition was not a defense where the mental state involved is recklessness or wilfulness. See People v. Arndt, 50 Ill.2d 390, 280 N.E.2d 230 (1972); People v. Olson, 60 Ill.App.3d 535, 377 N.E.2d 371, 18 Ill.Dec. 218 (4th Dist.1978). Since January 1, 1988, it is a defense only to crimes with an element of specific intent. Accordingly, the Committee believes use of the bracketed paragraph might be appropriate in a case in which the jury is to be instructed both on (1) an offense to which voluntary intoxication or drugged condition is a defense, and (2) an offense to which voluntary intoxication or drugged condition is *not* a defense. In this situation, the latter offense should be inserted in the blank in the bracketed paragraph.

This instruction does not relate to involuntary intoxication or drugged condition. See Instructions 24-25.03 and 24-25.03A.

Insert in the first blank the name of the appropriate offense to which this instruction applies.

Use applicable bracketed material.