**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑1‑140 SO AS TO PROVIDE THAT A PERSON IS NOT CRIMINALLY LIABLE FOR AN ACT, OMISSION, OR NEGLIGENCE CONSTITUTING A CRIME IF THE PERSON IS UNDER THE INFLUENCE OF INVOLUNTARY INTOXICATION AND DOES NOT HAVE SUFFICIENT MENTAL CAPACITY TO DISTINGUISH BETWEEN MORAL OR LEGAL RIGHT AND WRONG AS A RESULT AND TO DEFINE THE TERM “INVOLUNTARY INTOXICATION”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 16 of the 1976 Code is amended by adding:

“Section 16‑1‑140. (A) A person may not be found guilty of a crime and is not subject to criminal liability if, at the time of the act, omission, or negligence constituting the crime, the person was under the influence of involuntary intoxication and as a direct result did not have sufficient mental capacity to distinguish between moral or legal right and wrong in relation to the act, omission, or negligence constituting the crime.

(B) As used in this section, the term ‘involuntary intoxication’ means intoxication caused by:

(1) consumption of a substance through excusable ignorance; or

(2) coercion, fraud, artifice, or contrivance of another person.

(C) Voluntary intoxication may not be used as a defense for an act, omission, or negligence constituting a crime.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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