



Office of the Kane County State's Attorney

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FOR IMMEDIATE RELEASE

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BILL CHAMPIONED BY KANE COUNTY STATE'S ATTORNEY ADVANCES THROUGH COMMITTEE

House Bill 5271 Moves Closer to Reality

St. Charles, Ill. - A public safety bill written by Kane County State's Attorney Jamie Mosser's Office was passed out of the Illinois State House Judiciary Committee last Tuesday. It will now be sent to the full House for consideration. The bill is sponsored by State Rep. Stephanie Kifowit (D-Oswego).

HB 5271 amends the Illinois criminal code to render evidence of a defendant's voluntary intoxication inadmissible for the purpose of negating their criminal state of mind. Additionally, the bill prohibits presenting similar arguments to the jury or judge. If evidence of the defendant's intoxication, whether voluntary or involuntary, is admitted, the trier of fact would be instructed that voluntary intoxication is not a defense to the crime charged.

State's Attorney Jamie Mosser and Assistant State's Attorney Greg Sams were in Springfield last Tuesday meeting with legislators and advocating for the bill's passage. Sams helped draft the bill's language. They both testified in front of the House Judiciary committee, stating the need for the measure, responding to concerns raised by opposing parties, and answering questions posed by Representatives. It passed the committee unanimously.

HB 5271 was filed in February of this year by Kifowit and has bipartisan support. Co-sponsors include Rep. Dave Vella (D-Rockford), Rep. John M. Cabello (D-Machesney Park), Rep. Jeff Keicher (R-Sycamore), and Rep. Anthony DeLuca (D-Chicago Heights).

As amended in 2002 to remove voluntary intoxication as an affirmative defense, Illinois law currently states that "a person who is in an intoxicated or drugged condition is criminally

responsible for conduct unless such condition is involuntarily produced and deprives him of substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.”

In 2023, the Illinois Supreme Court held in *People v. Grayer* that although Illinois does not recognize the affirmative defense of voluntary intoxication, evidence of voluntary intoxication “may be considered by the trier of fact when determining whether the State has proven that defendant had the requisite mental state for specific-intent offenses.”

HB 5271 is supported by the Illinois Sheriffs’ Association and state’s attorney’s offices from across the state.

SA Mosser said: "I commend the committee for recognizing the importance of HB 5271 in enhancing public safety and ensuring fairness in our legal system. This bill represents a critical step forward in addressing the use of voluntary intoxication as a defense, thereby strengthening our ability to hold individuals accountable for their actions."

State Rep. Kifowit said: “I am honored to work with State’s Attorney Mosser and Sponsor HB 5271, which seeks to clarify and strengthen our laws to better protect our communities. This bipartisan effort underscores our commitment to promoting public safety and ensuring justice for all Illinois residents.”

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