

The criminal offence of intoxication according to article 201a of the criminal code. Summary

The aim of the thesis is to analyse the legal accountability of persons, who caused their own insanity and in this condition commit a crime. It is important to keep in mind, that the conception of this offence is not the only solution of the problem. Each of these solutions has its own positives and negatives, but generally speaking the conception of so-called “*rauschdelikt*” is from the point of view of the basic criminal principles (e.g. *nullum crimen sine culpa*) the most proper.

The thesis is composed of nine chapters, each of them dealing with different aspects. Chapter One provides information on history of legal regulations. It is about development of criminal sanction of people who commit a crime in a state the of momentary insanity which they are responsible for. The chapter is subdivided into three parts. Each of these parts describes particular passage of development.

Chapter Two deals with current legislation of insanity. The chapter consists of four parts. Part One qualifies insanity and also focuses on its assessing. Part Two is about detection of amount of alcohol in blood. Part Three deals with procedural connection and part Four deals with reduced sanity.

Chapter Three is near to chapter Two and concentrates on problem of assessing of intoxicated activity.

Chapter Four is subdivided into five parts. The main aim of the chapter is to provide a description of elements of a crime (i.e. object, physical elements of a crime or *actus reus*, offender, mental elements or *mens rea*). Mental elements of this crime is to act either intentionally or recklessly. Specific to this offence is that *mens rea* refers only to the infliction of insanity, not committing a crime on the condition of insanity. Part Three is subdivided into two subparts. Subpart One describes the infliction of insanity and subpart Two defines “*quasi delict*”, which means committing the crime under the condition of insanity.

Chapter Five describes particular conception of the offence. The chapter consists of five parts. Chapter Six concentrates on problems of accessories. Chapter Seven looks at concurrence of the offence with other crimes. Chapter Eight analyzes sanctions and the chapter Nine compares the offence with a foreign legal regulations.

Conclusion of the thesis focuses on comparison of this offence according to current legislation with the legislation of the new Criminal Code, which will come into force on 1. 1. 2010.