### IDJI 2.22.2 – Intoxication defined

INSTRUCTION NO. \_\_\_\_

 A person driving a motor vehicle is under the influence of [an intoxicating beverage] [a drug] when, as a result of [drinking an intoxicating beverage] [using a drug], the driver's physical or mental abilities are impaired to the degree that the driver no longer has the capacity to drive a vehicle with the caution characteristic of a sober person of ordinary prudence acting under similar circumstances.

 [\_\_\_\_\_\_\_\_\_\_ (beer, wine or liquor)] is an intoxicating beverage.] [\_\_\_\_\_\_\_\_\_\_ is a drug.]

Comment:

 Where a violation of statute has occurred an instruction dealing with the violation of statute, such as Idaho Code § 18-8004, will normally be given. This instruction may be appropriate to accompany the instruction on violation of statute.