

**709.1A Incapacitation.**

As used in this chapter, “*incapacitated*” means a person is disabled or deprived of ability, as follows:

1. “*Mentally incapacitated*” means that a person is temporarily incapable of apprising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.
2. “*Physically helpless*” means that a person is unable to communicate an unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited.
3. “*Physically incapacitated*” means that a person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee.

99 Acts, ch 159, §2