



HOUSE BILL 958: Felony Death Imp. Boating/Sheyenne's Law.

2016-2017 General Assembly

Committee:	Senate Finance	Date:	June 14, 2016
Introduced by:	Reps. Pittman, Fraley, Ford, J. Bell	Prepared by:	Nicholas Giddings
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: House Bill 958 would create new offenses for death or serious injury resulting from impaired boating and clarify the penalty for impaired boating, as recommended by the House Select Committee on Wildlife Resources.

CURRENT LAW: It is a Class 2 misdemeanor, with a fine of no less than \$250, for any person to operate any vessel while underway on the waters of this State:

- (1) While under the influence of an impairing substance, or
- (2) After having consumed sufficient alcohol that the person has, at any relevant time after the boating, an alcohol concentration of 0.08 or more.

A vessel is defined as "every description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water." "Waters of this State" are any waters within the territorial limits of North Carolina, and the marginal sea adjacent and the high seas when navigated as a part of a journey or ride to or from the shore of North Carolina, excluding private ponds." G.S. 75A-2.

BILL ANALYSIS: House Bill 958 would create new offenses for death or serious injury resulting from impaired boating. The offenses and punishments would be as follows:

- Repeat death by impaired boating – Class B2 felony.
- Aggravated death by impaired boating – Class D felony, and the court must sentence the defendant in the aggravated range of the appropriate Prior Record Level.
- Death by impaired boating – Class D felony, and intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.
- Aggravated serious injury by impaired boating – Class E felony.
- Serious injury by impaired boating – Class F felony.

This bill also clarifies that a fine of no less than \$250 is mandatory, regardless of any other penalties imposed, upon conviction of impaired boating.

EFFECTIVE DATE: December 1, 2016, and applies to offenses committed on or after that date.

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