

HB 406 -- Watercraft Regulations

Sponsor: Schad

This bill changes the laws regarding watercraft regulations. In its main provisions, the bill:

(1) Specifies that a person commits the crimes of negligent operation of a vessel, operating a vessel while intoxicated, involuntary manslaughter with a vessel, assault with a vessel in the second degree, and operating a vessel with excessive blood-alcohol content on any waters of this state. Currently, those crimes can only be committed on the Mississippi River, Missouri River, or any lake in this state;

(2) Specifies that a person convicted of a second violation of the crime of operating a vessel with excessive blood-alcohol content within 10 years of a first offense will be guilty of a class A misdemeanor and placed on probation for a period of two years;

(3) Specifies that a person convicted of a third violation of the crime of operating a vessel with excessive blood-alcohol content within 20 years of two prior offenses will be guilty of a class D felony and placed on probation for a period of three years. The individual will be prohibited from operating a vessel for a period of five years from the date of the third conviction;

(4) Lowers the weight of alcohol necessary in a person's blood in order for there to be a presumption that the person is intoxicated from .1 of 1% to .08 of 1%;

(5) Defines "prior offender" as any person who has pled guilty to or been found guilty of one intoxication-related boating offense within five years of the intoxication-related boating offense for which the person is charged. A person proved to be a prior offender will be guilty of a class A misdemeanor and will not be eligible for probation or parole until he or she has served a minimum of five days' imprisonment;

(6) Defines "persistent offender" as a person who has pled guilty to or been found guilty of two or more intoxication-related boating offenses, involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a persistent offender will be guilty of a class D felony and will not be eligible for probation or parole until he or she has served a minimum of 10

days' imprisonment;

(7) Defines "aggravated offender" as a person who has pled guilty to or been found guilty of three intoxication-related boating offenses or has pled guilty to or been found guilty of one of more intoxication-related boating offense and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be an aggravated offender will be guilty of a class C felony and will not be eligible for probation or parole until he or she has served a minimum of 60 days' imprisonment;

(8) Defines "chronic offender" as a person who has pled guilty to or been found guilty of four or more intoxication-related offenses; has pled guilty to or been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances; or has pled guilty to or been found guilty of two or more intoxication-related offenses and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a chronic offender will be guilty of a class B felony and will not be eligible for probation or parole until he or she has served a minimum of two years' imprisonment; and

(9) Specifies that no prior, persistent, aggravated, or chronic offender will be given an imposition of sentence.