

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 78

Session of 2011

INTRODUCED BY BENNINGHOFF, HANNA, STABACK, BARRAR, CONKLIN, D. COSTA, CREIGHTON, CUTLER, FABRIZIO, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GROVE, HELM, HENNESSEY, KAUFFMAN, KNOWLES, KORTZ, MARSICO, MILLER, OBERLANDER, O'NEILL, PASHINSKI, PYLE, RAPP, READSHAW, ROAE, ROCK, K. SMITH, STERN, SWANGER, TALLMAN, VULAKOVICH, WATSON, MAHONEY, MURT, HORNAMAN, DENLINGER, DAVIS, MILNE AND CALTAGIRONE, JANUARY 25, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2011

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, ~~further providing~~ IN OPERATION OF BOATS, FURTHER
3 PROVIDING FOR OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL
4 OR CONTROLLED SUBSTANCE AND for the offense of homicide by
5 watercraft while operating under influence. ←

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 5502.1(a) of Title 30 of the Pennsylvania~~ ←
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 5502(D) AND 5502.1(A) OF TITLE 30 OF THE ←
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 5502. OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR
13 CONTROLLED SUBSTANCE.

14 * * *

15 (D) SUBSEQUENT CONVICTION.--ACCEPTANCE OF ACCELERATED
16 REHABILITATIVE DISPOSITION, AN ADJUDICATION OF DELINQUENCY OR A

1 CONSENT DECREE UNDER 42 PA.C.S. CH. 63 OR ANY OTHER FORM OF
2 PRELIMINARY DISPOSITION OF ANY CHARGE BROUGHT UNDER THIS SECTION
3 OR A CONVICTION OR GUILTY PLEA UNDER 75 PA.C.S. § 3802 (RELATING
4 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
5 SHALL BE CONSIDERED A FIRST CONVICTION FOR THE PURPOSE OF
6 COMPUTING WHETHER A SUBSEQUENT CONVICTION OF A VIOLATION OF THIS
7 SECTION SHALL BE CONSIDERED A SECOND, THIRD OR SUBSEQUENT
8 CONVICTION.

9 * * *

10 § 5502.1. Homicide by watercraft while operating under
11 influence.

12 (a) Offense defined.--Any person who unintentionally causes
13 the death of another person as the direct result of a violation
14 of section 5502 (relating to operating watercraft under
15 influence of alcohol or controlled substance) and who is
16 convicted of violating section 5502 commits a felony of the
17 [third] second degree when the violation is the cause of death
18 and the sentencing court shall order the person to serve a
19 minimum term of imprisonment of not less than three years. A
20 consecutive three-year term of imprisonment shall be imposed for
21 each victim whose death is the result of a violation of section
22 5502.

23 * * *

24 Section 2. This act shall take effect in 60 days.