

No. 2011-33

AN ACT

HB 78

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in operation of boats, further providing for operating watercraft under influence of alcohol or controlled substance and for the offense of homicide by watercraft while operating under influence.

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

Section 1. Sections 5502(d) and 5502.1(a) of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 5502. Operating watercraft under influence of alcohol or controlled substance.

* * *

(d) Subsequent conviction.—Acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under 42 Pa.C.S. Ch. 63 or any other form of preliminary disposition of any charge brought under this section *or a conviction or guilty plea under 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance)* shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third or subsequent conviction.

* * *

§ 5502.1. Homicide by watercraft while operating under influence.

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

* * *

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

APPROVED—The 7th day of July, A.D. 2011

TOM CORBETT