

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2016-34
HOUSE BILL 958

AN ACT TO PROVIDE AN INCREASED PENALTY FOR IMPAIRED BOATING RESULTING IN DEATH OR SERIOUS INJURY AND TO CLARIFY THE PENALTY FOR IMPAIRED BOATING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON WILDLIFE RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as Sheyenne's Law.

SECTION 2. Article 1 of Chapter 75A of the General Statutes is amended by adding a new section to read:

"§ 75A-10.3. Death or serious injury by impaired boating; repeat offenses.

(a) Death by Impaired Boating. – A person commits the offense of death by impaired boating if all of the following apply:

- (1) The person unintentionally causes the death of another person.
- (2) The person was engaged in the offense of impaired boating under G.S. 75A-10(b1).
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.

(b) Serious Injury by Impaired Boating. – A person commits the offense of serious injury by impaired boating if all of the following apply:

- (1) The person unintentionally causes serious injury to another person.
- (2) The person was engaged in the offense of impaired boating under G.S. 75A-10(b1).
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury.

(c) Aggravated Serious Injury by Impaired Boating. – A person commits the offense of aggravated serious injury by impaired boating if all of the following apply:

- (1) The person unintentionally causes serious injury to another person.
- (2) The person was engaged in the offense of impaired boating under G.S. 75A-10(b1).
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury.
- (4) The person has a previous conviction of impaired boating under G.S. 75A-10(b1) within seven years of the date of the offense.

(d) Aggravated Death by Impaired Boating. – A person commits the offense of aggravated death by impaired boating if all of the following apply:

- (1) The person unintentionally causes the death of another person.
- (2) The person was engaged in the offense of impaired boating under G.S. 75A-10(b1).
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.
- (4) The person has a previous conviction of impaired boating under G.S. 75A-10(b1) within seven years of the date of the offense.

(e) Repeat Death by Impaired Boating. – A person commits the offense of repeat death by impaired boating if all of the following apply:

- (1) The person commits an offense under subsection (a) or subsection (d) of this section.
- (2) The person has a previous conviction under at least one of the following:



- a. Subsection (a) of this section.
- b. Subsection (d) of this section.
- c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired boating under G.S. 75A-10(b1).

The pleading and proof of previous convictions shall be in accordance with the provisions of G.S. 15A-928.

(f) Punishments. – Unless the conduct is covered under some other provision of law providing greater punishment, the following classifications apply to the offenses set forth in this section:

- (1) Repeat death by impaired boating is a Class B2 felony.
- (1a) Aggravated death by impaired boating is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.
- (2) Death by impaired boating is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.
- (3) Aggravated serious injury by impaired boating is a Class E felony.
- (4) Serious injury by impaired boating is a Class F felony.

(g) No Double Prosecutions. – No person who has been placed in jeopardy upon a charge of death by impaired boating may be prosecuted for the offense of manslaughter arising out of the same death; and no person who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by impaired boating arising out of the same death."

SECTION 3. G.S. 75A-10(b4) reads as rewritten:

"(b4) A person who violates subsection (b1) of this section is guilty of a Class 2 misdemeanor, ~~punishable by a fine of and~~ upon conviction, in addition to any other penalty imposed, shall be fined not less than two hundred fifty dollars (\$250.00)."

SECTION 4. This act becomes effective December 1, 2016, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 16th day of June, 2016.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 2:00 p.m. this 27th day of June, 2016