S T A T E O F N E W Y O R K

2917

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sens. DeFRANCISCO, ALESI, BONACIC, GRIFFO, LAVALLE, MORAHAN, PADAVAN, SALAND, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law, the parks, recreation and historic preservation law and the vehicle and traffic law, in relation to the effect of prior conviction for operation of certain vehicles while intoxicated upon imposition of penalties for boating while intoxicated

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as "Tiffany Heitkamp's law".

S 2. Section 49-a of the navigation law is amended by adding a new subdivision 14 to read as follows:

14. EFFECT OF PRIOR CONVICTION FOR OPERATION OF A MOTOR VEHICLE, SNOWMOBILE, OR ALL TERRAIN VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. A PRIOR CONVICTION FOR OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE, TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, A PRIOR CONVICTION FOR OPERATION OF A SNOWMOBILE ON A STREET OR HIGHWAY WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, OR A PRIOR CONVICTION FOR OPERATION OF AN ALL TERRAIN VEHICLE WHILE IN AN INTOXICATED CONDITION OR UNDER THE INFLUENCE OF NARCOTICS OR DRUGS PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED FOUR OF THE VEHICLE AND TRAFFIC LAW SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A VIOLATION OF ANY SUBDIVISION OF THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, AND SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A VIOLATION OF PARAGRAPH (B), (C), (D) OR (E) OF SUBDIVISION TWO OF THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD09654-01-9

IMPOSED PURSUANT TO PARAGRAPH (F) OF SUCH SUBDIVISION, AND SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A VIOLATION OF PARAGRAPH (B), (C), (D) OR (E) OF SUBDIVISION TWO OF THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION.

S 3. Section 25.24 of the parks, recreation and historic preservation law is amended by adding a new subdivision 4-a to read as follows:

4-A. A PRIOR CONVICTION FOR OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION TWO OF SECTION FORTY-NINE-A OF THE NAVIGATION LAW, A PRIOR CONVICTION FOR OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE, TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, OR A PRIOR CONVICTION FOR OPERATION OF AN ALL TERRAIN VEHICLE WHILE IN AN INTOXICATED CONDITION OR UNDER THE INFLUENCE OF NARCOTICS OR DRUGS PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED FOUR OF THE VEHICLE AND TRAFFIC LAW SHALL BE DEEMED TO BE A PRIOR CONVICTION OF PARAGRAPH (B), (C), OR (D) OF SUBDIVISION ONE OF THIS SECTION OR OF OPERATING A SNOWMOBILE WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION AND SUBPARAGRAPH THREE OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, AND SHALL BE DEEMED TO BE A PRIOR CONVICTION OF ANY PARAGRAPH OF SUBDIVISION ONE OF THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO SUBPARAGRAPH ONE AND SUBPARAGRAPH TWO OF PARAGRAPH (D) OF SUBDIVISION SIX OF THIS SECTION.

S 4. Section 1192 of the vehicle and traffic law is amended by adding a new subdivision 8-b to read as follows:

8-B. EFFECT OF PRIOR CONVICTION FOR OPERATION OF A VESSEL, SNOWMOBILE, OR ALL TERRAIN VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. A PRIOR CONVICTION FOR OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION TWO OF SECTION FORTY-NINE-A OF THE NAVIGATION LAW, A PRIOR CONVICTION FOR OPERATION OF A SNOWMOBILE ON A STREET OR HIGHWAY WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, OR A PRIOR CONVICTION FOR OPERATION OF AN ALL TERRAIN VEHICLE WHILE IN AN INTOXICATED CONDITION OR UNDER THE INFLUENCE OF NARCOTICS OR DRUGS PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED FOUR OF THIS CHAPTER SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO THIS SECTION OR FOR PURPOSES OF ANY ADMINISTRATIVE ACTION REQUIRED TO BE TAKEN PURSUANT TO SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS ARTICLE.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to convictions occurring on and after such date.