

# STATE OF NEW YORK

8224

2023-2024 Regular Sessions

## IN ASSEMBLY

November 6, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to including  
prior convictions of operation of a vessel while under the influence  
of alcohol or drugs as prior convictions of driving while intoxicated

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Bryan  
2 Johnson's Law".

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

5 8-b. Effect of prior convictions of operation of a vessel while under  
6 the influence of alcohol or drugs. A prior conviction for operation of a  
7 vessel while under the influence of alcohol or drugs under paragraph  
8 (b), (c), (d) or (e) of subdivision two of section forty-nine-a of the  
9 navigation law within the preceding ten years shall be considered by the  
10 court for purposes of determining penalties imposed for a violation of  
11 subdivision two, two-a, three, four or four-a of this section or for  
12 purposes of any administrative action required to be taken pursuant to  
13 subdivision two of section eleven hundred ninety-three of this article.  
14 A prior conviction for operation of a vessel while under the influence  
15 of alcohol or drugs under paragraph (a), (b), (c), (d) or (e) of subdivi-  
16 vision two of section forty-nine-a of the navigation law within the  
17 preceding five years shall be considered by the court for purposes of  
18 determining penalties imposed for a violation of subdivision one of this  
19 section or for purposes of any administrative action required to be  
20 taken pursuant to subdivision two of section eleven hundred ninety-three  
21 of this article. A prior conviction for operation of a vessel while  
22 under the influence of alcohol or drugs under paragraph (a), (b), (c),  
23 (d) or (e) of subdivision two of section forty-nine-a of the navigation  
24 law within the preceding ten years shall be considered by the court for

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

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purposes of determining penalties imposed upon a person for a violation of any subdivision of this section after having been convicted two or more times for a violation of this section within the preceding ten years or for purposes of any administrative action required to be taken pursuant to subdivision two of section eleven hundred ninety-three of this article.

§ 3. This act shall take effect on the first of November after it shall have become a law.