# STATE OF NEW YORK

6889

2023-2024 Regular Sessions

# IN SENATE

May 12, 2023

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:**

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

§ 2. 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 convictions of operation of a vessel while under the influence of alcohol or drugs. A prior conviction for operation of a vessel while under the influence of alcohol or drugs under paragraph (b), (c), (d) or (e) of subdivision two of section forty-nine-a of the navigation law within the preceding ten years shall be considered by the court for purposes of determining penalties imposed for a violation of subdivision two, two-a, three, four or four-a of 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. A prior conviction for operation of a vessel while under the influence of alcohol or drugs under paragraph (a), (b), (c), (d) or (e) of subdivision two of section forty-nine-a of the navigation law within the preceding five years shall be considered by the court for purposes of determining penalties imposed for a violation of subdivision one of 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. A prior conviction for operation of a vessel while under the influence of alcohol or drugs under paragraph (a), (b), (c), (d) or (e) of subdivision two of section forty-nine-a of the navigation 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.

LBD07645-01-3

**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.