

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

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