

## Department of Planning and Budget 2005 Fiscal Impact Statement

**1. Bill Number:** HB 1756

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Janis

**3. Committee:** Passed both houses

**4. Title:** Manslaughter caused by operation of watercraft

**5. Summary/Purpose:**

Currently, it is a Class 1 misdemeanor to operate a watercraft while under the influence of drugs or alcohol. Also, it is a Class 1 misdemeanor to fail to stop and render assistance when a watercraft has been involved in a collision, and, if such situation involved serious injury or death, the offense is a Class 6 felony. Furthermore, involuntary manslaughter—the unlawful killing of another, without malice—is a Class 5 felony under current law.

The enrolled bill would explicitly designate the unintentional killing of another person as the result of operating a watercraft while under the influence of drugs or alcohol as involuntary manslaughter. Furthermore, if the conduct of the offender were so gross, wanton, and culpable as to show a reckless disregard for human life, the bill would provide for an enhanced sentence of 1 to 20 years, with a one-year mandatory minimum sentence.

Finally, the bill would provide that anyone convicted under its provisions would be prohibited from operating a watercraft or motorboat on the waterways of the Commonwealth for at least five years. At the end of that period, the offender could petition the court for the restoration of his right to operate a watercraft or motorboat.

**6. Fiscal impact:** Final. See Item 8.

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. However, it is expected that the impact will be negligible.

**9. Specific agency or political subdivisions affected:**

Department of Corrections

**10. Technical amendment necessary:** None.

**11. Other comments:** None.

**Date:** 03/16/05 / rwh

**Document:** G:\LEGIS\Fis-05\HB1756ER.Doc Dick Hall-Sizemore