

# 2007 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 2978

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on January 22, 2007)

(Patron Prior to Substitute—Delegate Bell)

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-51.5, relating to maiming of another resulting from operating a watercraft while intoxicated; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-51.5 as follows:**

*§ 18.2-51.5. Maiming, etc., of another resulting from operating watercraft while intoxicated.*

*Any person who, as a result of operating a watercraft, as defined in § 29.1-712, or a motorboat as defined in § 29.1-700, while intoxicated in violation of § 29.1-738 or any local ordinance substantially similar thereto in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony. Upon conviction under this section, the court shall order such person not to operate a watercraft or motorboat which is underway upon the waters of the Commonwealth for a period of five years. A conviction includes a finding of not innocent in the case of a juvenile.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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