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SENATE BILL NO. 487

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact §§ 18.2-51.4 and 18.2-51.5 of the Code of Virginia, relating to driving or boating while intoxicated; serious bodily injury; penalty.

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-51.4 and 18.2-51.5 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-51.4. Maiming, etc., of another resulting from driving while intoxicated.

A. Any person who, as a result of driving while intoxicated in violation of § 18.2-266 or any local ordinance substantially similar thereto in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, unintentionally causes the serious bodily injury of another person ~~resulting in permanent and significant physical impairment shall be~~ is guilty of a Class 6 felony.

B. Any person who, as a result of driving while intoxicated in violation of § 18.2-266 or any local ordinance substantially similar thereto in a manner so gross, wanton, and culpable as to show a 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 4 felony. The driver's license of any person convicted under this section shall be revoked pursuant to subsection B of § 46.2-391.

~~B. C.~~ The provisions of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 shall apply, mutatis mutandis, upon arrest for a violation of this section.

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

A. Any person who, as a result of operating a watercraft or motorboat *while intoxicated* in violation of subsection B of § 29.1-738 or a similar local ordinance 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.

B. Any person who, as a result of operating a watercraft or motorboat *while intoxicated* in violation of subsection B of § 29.1-738 or any local ordinance substantially similar thereto in a manner so gross, wanton, and culpable as to show a 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 4 felony.

C. The court shall order any person convicted under this section not to operate a watercraft or motorboat that is underway upon the waters of the Commonwealth. After two years have passed from the date of the conviction, the convicted person may petition the court that entered the conviction for the right to operate a watercraft or motorboat upon the waters of the Commonwealth. Upon consideration of such petition, the court may restore the right to operate a watercraft or motorboat subject to such terms and conditions as the court deems appropriate, including the successful completion of a water safety alcohol rehabilitation program described in § 29.1-738.5.

~~B. D.~~ The provisions of Article 3 (§ 29.1-734 et seq.) of Chapter 7 of Title 29.1 shall apply, mutatis mutandis, upon arrest for a violation of this section.

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 is at least \$299,722 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB487