

Stronger Boating While Intoxicated Penalties Will Be In Effect for the 2017 Season

US COAST GUARD AUXILIARY DIVISION 1 CENTRAL LONG ISLAND·MONDAY, JANUARY 9, 2017

NYS Governor Andrew Cuomo signed legislation that pertains to stricter boating while intoxicated (BWI) penalties, effective as of Nov. 1st, 2016. Tiffany Heitkamp's Law closes the loophole in the law that differentiates between DWI's and BWI's (and other related offenses). Individuals convicted of boating while intoxicated may face much more serious penalties if they have been convicted of DWI in the past.

"Whether behind the wheel of a car or a boat, drunk drivers are a danger to themselves and a menace to others," stated Cuomo. Additionally, prior boating while intoxicated convictions will now be considered for other DWI and DWAI charges.

Boat safe. Designate a captain.

"Under the new law, a first conviction for boating while intoxicated (BWI) will be a misdemeanor which carries a sentence of up to one year instead of the current ninety days. The fine will increase from a minimum of \$350 and a maximum of \$500 to a range of between \$500 and \$1,000.

A second conviction for BWI within ten years will rise to a Class E felony status with a sentence of up to 4 years in prison and a fine between \$1,000 and \$5,000. Those convicted of Boating While Intoxicated three times within ten years shall be charged with a Class D felony and face up to seven years in prison and a fine between \$2,000 and \$10,000.

The fine for a first time conviction of Boating While Ability Impaired will increase the penalty to a maximum of \$500, up from its current maximum of \$350. A second infraction within a five year period will carry a maximum fine of \$750 and up to 30 days imprisonment. The penalty for a third conviction of BWAI within a 10 year

period will increase from an infraction to a misdemeanor and will carry a maximum period of imprisonment of six months and a maximum fine of up to \$1,500."

<https://www.nysenate.gov/newsroom/i...>