



NEW YORK STATE SENATOR

John A. DeFrancisco

## Senate Passes Bill That Would Increase the Penalties for Boating While Intoxicated

[JOHN A. DEFRANCISCO](#) May 23, 2014

Senator John A. DeFrancisco (R-I-C, Syracuse) announced that his bill (S1790), which would link all of a person's driving under the influence offenses together, passed the New York State Senate. The legislation is named after the late Tiffany Heitkamp, a Syracuse-area woman, who was killed during an alcohol-related boating crash in 2006.

The bill would require that a prior conviction for operating a motor vehicle, snowmobile or all-terrain vehicle while under the influence of alcohol or drugs be considered upon sentencing for a conviction of operating a watercraft while under the same influence. Currently, there is no linkage between these offenses, making it possible for a violator to be convicted of multiple crimes, but be treated as a first time offender in each case.

There have been several situations in New York State, where a BWI offense was committed by an individual who had a prior DWI offense. In the case of Tiffany Heitkamp, the driver of the boat she was riding in had a history of alcohol-related driving convictions, but he was only charged after the boating crash as a first time offender.

"If an individual has a history of operating any kind of vehicle or vessel while under the influence of alcohol or drugs, that record should be taken into account when the individual is charged and sentenced," said Senator DeFrancisco. "Repeat offenders need to be held accountable for all of their dangerous actions to help reduce and deter crime and prevent further tragedies."

“The State Senate has repeatedly passed this bill for several years. I am again calling on the State Assembly to bring this important measure to a vote to help improve the safety of our waterways,” concluded Senator DeFrancisco.

The bill has been delivered to the State Assembly and awaits action by that body.