STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Hearing – March 3, 2008
Judiciary Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environment Protection

Governor's Bill No. 5032 - AN ACT CONCERNING OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG

Thank you for the opportunity to present testimony regarding the Governor's Bill No. 5032. AN ACT CONCERNING OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG The Department supports Bill No. 5032 because we believe there is a need to strengthen the criminal code for people who operate a boat or vessel under the influence of alcohol or drugs.

The bill proposes to reclassify the type of crime committed when an operator of a vessel causes the death of another while under the influence of intoxicating liquor or drug. Currently, a boat operator who causes the death of another while under the influence of intoxicating liquor or drug would be charged with reckless operation of a vessel in the first degree while under the influence, which charge is an unclassified felony. The proposed bill recognizes the serious nature of the offense by (1) reclassifying such a crime to manslaughter in the second degree with a vessel (which offense carries a class C felony) and (2) requiring the court to suspend the certificate of the offending boater for one year.

Imploring boaters to "boat safe and sober" is a major emphasis of our boating safety education program in Connecticut. The subject is discussed in mandatory boating safety classes that lead to boat certifications and at boat shows attended by DEP staff. Boating Under the Influence of intoxicating liquor or drugs (BUI) continues to be a concern. During the last 15 years, 8% of all boating accidents involved alcohol, however, 31% of the fatal boating accidents involved alcohol. While the trend has decreased to 28% over the last 5 years, the Department would view the proposed legislation as a proper next step in helping to reduce boating fatalities caused by alcohol or drugs.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Tom Tyler, Legislative Program Manager, at 424-3099 or Robert La France at 424-3401.