
OLR Bill Analysis

sSB 1112 (File 454, as amended by Senate "A," "B," and "C")*

AN ACT CONCERNING BOATING UNDER THE INFLUENCE.

SUMMARY:

This bill makes numerous changes to the boating under the influence statutes, including (1) specifying that a conviction for reckless boating results in the suspension of a person's boating rights; (2) reducing the time between chemical analysis tests from 30 to 10 minutes; (3) adding to the blood and urine samples that are permissible evidence; and (4) requiring prosecutors to specify reasons for a reduced, nolle, or dismissed boating under the influence charge.

It allows environmental protection conservation officers to administer oaths for affidavits, statements, depositions, complaints, or reports made to or by the officers.

The law requires a person to obtain a fishing license in order to take, attempt to take, or assist in taking any fish or bait species. The bill exempts a first time violator from the \$87 fine and requires the case to be dismissed if the person provides proof of purchasing the required license after the violation but before the fine is imposed.

The bill requires, instead of authorizes, the environmental protection commissioner to designate one day a year when no license is required for recreational fishing.

The bill also makes technical and conforming changes.

*Senate Amendment "A" changes a provision in the original file regarding who can take a blood sample. The original file required the blood sample to be taken in accordance with public safety regulations. The amendment restores current law, which requires that a blood sample be taken by a person licensed to practice medicine in Connecticut, a qualified laboratory technician, an emergency

technician II, or a registered nurse.

*Senate Amendment "B" adds the provision allowing environmental protection conservation officers to administer oaths.

*Senate Amendment "C" adds the provisions about fishing without a license.

EFFECTIVE DATE: July 1, 2011

BOATING UNDER THE INFLUENCE

Suspension of Boating Rights

The bill specifies that a conviction for 1st or 2nd degree reckless boating under the influence will result, in addition to fines, imprisonment, or both, in the suspension of the person's safe boating certificate or certificate of personal watercraft operation (which are required for legal boating) or the person's right to operate a vessel that requires a safe boating certificate.

Time Between Tests

The law specifies the circumstances under which blood alcohol content (BAC) test results are admissible in criminal prosecutions for boating under the influence (1st and 2nd degree), reckless boating under the influence, manslaughter in the 2nd degree with a vessel, and hunting under the influence. Under current law, a second BAC test must be performed at least 30 minutes after the initial test. The bill reduces the time period between tests to 10 minutes.

Blood and Urine Samples as Admissible Evidence

Under current law, blood samples collected at a hospital after an accident are competent evidence to establish probable cause for a person's arrest under the boating under the influence law.

The bill makes blood or urine samples collected at an accident scene or on the way to the hospital and urine samples collected at the hospital, permissible evidence that may be seized and used in prosecutions of boating under the influence, reckless boating, and manslaughter in the 2nd degree with a vessel.

Prosecutor Must State Reasons for Reduction, Nolle, or Dismissal

By law, if a person is charged with boating under the influence, the charge cannot be reduced, nolle, or dismissed unless the prosecuting attorney states in open court his or her reasons for the action. The bill extends this requirement to a person charged with manslaughter in the 2nd degree with a vessel and 1st or 2nd degree reckless boating under the influence.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/21/2011)

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (04/26/2011)