

Sheyenne's Law Stiffens Penalty for Impaired Boating Causing Serious Injury or Death

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The man who [authorities say](#) was operating the boat that crashed into 17-year-old Sheyenne Marshall while she was knee-boarding on Lake Norman on July 4, 2015, killing her, [faces charges](#) for boating while impaired, a Class 2 misdemeanor, operating a vessel in a reckless manner, a Class 2 misdemeanor, and involuntary manslaughter, a Class F felony. After the accident, [Marshall's family lobbied the legislature](#) for stiffer penalties for impaired boating. Less than a year after Marshall was killed, the General Assembly enacted [Sheyenne's law](#), which increases the penalties for impaired boating that causes death or serious injury to another.

[S.L. 2016-34](#) (H 958) enacts new G.S. 75A-10.3, which defines the following felony offenses:

- death by impaired boating (Class D felony);
- serious injury by impaired boating (Class F felony);
- aggravated serious injury by impaired boating (Class E felony);
- aggravated death by impaired boating (Class D felony, sentenced in aggravated range); and
- repeat death by impaired boating (Class B2 felony).

The new offenses and their punishments correspond to the crimes of felony death and serious injury by vehicle based on impaired driving under [G.S. 20-141.4](#). A person commits the aggravated felony offense if he or she has a previous conviction of impaired boating within seven years of the impaired boating that causes serious injury or death. A person commits repeat death by impaired boating if he or she has previously been convicted of felony death or serious injury by impaired boating or murder or manslaughter based on impaired boating.

Impaired boating that does not seriously injure or kill another remains a Class 2 misdemeanor, though S.L. 2016-34 amends [G.S. 75A-10](#)(b4) to clarify that a person may receive punishment in addition to a mandatory \$250 fine.

The act is effective for offenses committed on or after December 1, 2016.