

# WEST VIRGINIA CODE: §20-7-18A

## **§20-7-18a. Homicide by operation of motorized watercraft; aggravated homicide by operation of motorized watercraft; penalties; suspension of privileges to operate a motorboat or other motorized vessel upon conviction.**

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel occurs within one year as a proximate result of injury caused by operating any motorboat, jet ski, or other motorized vessel anywhere in this state by any person in reckless disregard for the safety of others, the person operating the motorboat, jet ski, or other motorized vessel is guilty of homicide by operation of motorized watercraft.

(b) Any person convicted of homicide by operation of motorized watercraft is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in jail for not more than one year, or both fined and confined.

(c) Notwithstanding the provisions of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel occurs within one year as the proximate result of injury caused by the operation of any motorboat, jet ski or other motorized vessel in this state in deliberate disregard for the safety of others, the person so operating the motorboat, jet ski, or other motorized vessel is guilty of the felony offense of aggravated homicide by use of motorized watercraft and upon conviction he or she shall be fined not more than \$20,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety or others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others;

(e) The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.