

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.80186 Sentencing as multiple offender; consideration of prior convictions; sanctions.

Sec. 80186.

Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 80176(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 80176(1), (3), or (6), whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the boating record of the person or other evidence of prior convictions established under section 80179, except those convictions that, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following sanctions:

(a) For a conviction under section 80176(4) or (5), the court shall order with no expiration date that the person not operate a motorboat on the waters of this state.

(b) For a conviction under section 80176(1) or a local ordinance substantially corresponding to section 80176(1):

(i) If the court finds that the person has no prior convictions within 7 years, the court may order that the person not operate a motorboat on the waters of this state for not less than 1 year or more than 2 years.

(ii) If the court finds that the person has 1 or more prior convictions within 7 years, the court shall order that the person not operate a motorboat on the waters of this state for not less than 2 years.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years, the court shall order with no expiration date that the person not operate a motorboat on the waters of this state.

(c) For a conviction under section 80176(3) or a local ordinance substantially corresponding to section 80176(3):

(i) If the court finds that the convicted person has no prior conviction within 7 years, the court may order that the person not operate a motorboat on the waters of this state for not less than 6 months or more than 1 year.

(ii) If the court finds that the person has 1 prior conviction within 7 years, the court shall order that the person not operate a motorboat on the waters of this state for not less than 1 year or more than 2 years.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years, the court shall order with no expiration date that person not to operate a motorboat on the waters of this state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 402, Eff. Mar. 31, 2015

Popular Name: Act 451

Popular Name: Marine Safety Act

Popular Name: NREPA