

Child Endangerment Statutes by State

KEY:

- 1) 1st offense
- 2) 2nd offense
- 3) 3rd offense
- 4) 4th offense

Alabama

If passenger is under 14, sentenced to double the minimum sanctions that would be given if child not present.

Arkansas

If passenger is under 15: 1 year. With one prior felony, 1-2.5 years. 2 or more prior felonies 3-4.5 years. \$150,000 fine.

California

If passenger is under 14, 1) 48 continuous hours 2) 10 days, 3) 30 days, 4) 90 days

Colorado (case law)

If passenger is under 16: killed- 8-24 yrs, and/or fine \$5,000-\$1,000,000; injured- 4-12 yrs and/or fine \$3,000-\$750,000. For either instance, mandatory 5 yr parole.

Delaware

If passenger is under 17: 1) 40 hours community service and \$230-\$1,150 fine. Subsequent convictions: 80 hours community service and \$575-\$2,300 fine.

Florida

If passenger is under 18: 1) 9 months and \$500-\$1,000 fine 2) 12 months and \$1,000-\$2,000 fine 3) 12 months and \$2,000-\$5,000 fine.

Georgia

If passenger is under 14: 1) 1-5 months and \$200-\$500 fine 2) 3 months-1 year and \$400-\$1,000 fine 3+) 1-3 years and \$1,000-\$5,000 fine.

Hawaii

If passenger is under 15: 48 hours and \$500 fine added to DUI sanctions.

Iowa (case law)

If child is under 14: no injury: 2 years, fine not more than \$5,000; injury: not more than 10 years and \$1,000-\$10,000 fine. If there are more than 3 offenses with the same child in the same year with one offense resulting in an injury: up to 50 years.

Idaho

If a person under 18 drinks and drives with a “minor” in the car: no injury or death- jail no more than 6 months and/or \$300 fine; with injury or death- 1-10 yrs (unless there is a more severe penalty authorized by law)

Illinois

If passenger is under 12: the minimum mandatory sentence shall not be suspended. For 4th conviction, at least 2 years shall be imposed without benefit of suspension of sentence.

Louisiana

If passenger was under 12: 1) 10 days and \$125 2) 30 days and \$300, 3) 6 months, 4) 2 years

Maryland

If passenger is a “minor” and driver is intoxicated per se, 1) 2 years and \$2000 fine 2) 3 years and \$3,000 fine 3+) 4 years and \$4,000 fine. If passenger is a “minor” and driver is under the influence: 1) 6 months and \$1,000 fine 2+) 1 year and \$2,000.

Michigan

If a passenger is under 16: 1) 5 days to 1 year and \$200-\$1,000 fine, license suspension for 180 days 2+ (within 7 yrs) 1 to 5 years and \$500-\$5,000 fine. If the driver is under 21 and carrying a passenger under 16: 1) jail not more than 93 days and \$500 fine, license suspension for 180 days; 2+) 5 days and \$200-\$1,000 fine.

Minnesota

If a passenger is under 16 and the impaired driver is more than 36 months older than the passenger: 3 year maximum and fine not more than \$10,000 and 1 year license revocation. If driver is under 18, 2 year license revocation.

Nevada

If passenger is under 15: court shall consider this an aggravating factor in sentencing.

New Hampshire

If passenger is under 16: driving privileges revoked for maximum time under law (7 years)

North Carolina

If passenger is under 16: 7 days-12 months, fine no more than \$2,000; with mitigating circumstances-30 days-24 months, fine no more than \$4,000.

North Dakota

If impaired driver is under 21 with "minor" in car: prison no more than 1 year, fine no more \$1,000.

Ohio

If passenger is under 18: 1) prison no more than 6 months and/or fine no more than \$1,000; 1) with serious injury: 6-12 months and/or fine no more than \$2,500; subsequent child endangerment offense with serious injury or serious injury where impaired driver has previous drunk driving offense convictions: 6-18 months and/or fine no more than \$5,000 and no more than 200 hours of community service and license suspension for 90 days.

Rhode Island

If passenger is under 13: not more than 1 year in jail.

South Carolina

If driver is under 18 and drives impaired or had a death/serious bodily injury driving offense while transporting a child under 16: subject to additional jail and fine sanctions which are equal to not more than half maximum jail and fine sanctions for these offenses. Sanctions are mandatory if the jail or fine sanctions have been imposed for the original offense. Driving privileges must be suspended for 60 days.

Tennessee

If passenger is under 13: no injury or death 30 days-11 months 29 days; injury-2-12 years, fine no more than \$5,000; death- 3-15 years, fine no more than \$10,000.

Texas

If child under 15: the crime is a state jail penalty.

Utah

If child under 16: 1) or 2) not more than 1 year in jail, fine not more than \$2,500.

Virginia

If passenger is under 17: \$500-\$1,000 fine and a mandatory minimum of five days in jail.

Washington

If passenger is under 16: interlock for an additional 60 days

West Virginia

If passenger is under 16: 1) 2 days to 12 months and fine of \$200-\$1,000 2) 6 months-1 year and \$1,000-\$3,000 fine 3+) 1-3 years and \$3,000-\$5,000 fine.

Wisconsin

If passenger is under 16 or an unborn child: maximum imprisonment and fine sanctions are doubled and the revocation period is 10 years.

Wyoming

Any person accused of DUI but not convicted will be placed on probation. Any person 18 years or older who has a child passenger in the vehicle during a DUI shall be punished upon a first conviction by imprisonment of not more than one year. If previously convicted and sentenced, by imprisonment for not more than five years. Any dismissal of a DUI charge will not result when a child is being transported in the car during a DUI; the person will receive a conviction.