

Penalties for Drunk Driving Vehicular Homicide

Victims of drunk driving crashes are given a life sentence. In instances of vehicular homicide caused by drunk drivers, these offenders rarely receive a life sentence in prison.

Laws vary greatly on the amount of jail or prison time a drunk driver who kills an innocent person may receive. Most states have laws specifying penalties for drunk drivers who kill another person. Other states, like North Dakota and Arizona, do not but are able to bring charges that may bring incarceration through other statutes.

Laws providing penalties for drunk drivers who kill allow for vast judicial discretion. As a result, offenders may receive days in jail followed by probation or in very rare instances—a life sentence.

This document covers statutes providing for penalties to be brought against a drunk driver who kills another person through the operation of a motor vehicle, either intentionally or negligently.

Approximate Jail or Prison Sentences Possible in Traffic Crash Deaths Caused by a Drunk Driver*

Alabama: 1 to 10 years	Montana: 0 to 30 years
Alaska: 1 to 99 years	Nebraska: 1 to 50 years
Arizona: 1 to 22 years	Nevada: 2 to 25 years
Arkansas: 5 to 20 years	New Hampshire: 0 to 15 years
California: 0 to 10 years	New Jersey: 5 to 10 years
Colorado: 0 to 24 years	New Mexico: 0 to 6 years
Connecticut: 1 to 10 years	New York: 0 to 15 years
Delaware: 1 to 5 years	North Carolina: 15 to 480 months
DC: 0 to 30 years	North Dakota: 0 to life imprisonment
Florida: 0 to 15 years	Ohio: 1 to 15 years
Georgia: 0 to 15 years	Oklahoma: 0 to 1 year
Hawaii: 0 to 10 years	Oregon: 0 to 20 years
Idaho: 0 to 15 years	Pennsylvania: 0 to 10 years
Illinois: 1 to 28 years	Rhode Island: 5 to 20 years
Indiana: 2 to 20 years	South Carolina: 1 to 25 years
Iowa: 1 to 25 years	South Dakota: 0 to 15 years
Kansas: 0 to 172 months	Tennessee: 8 to 60 years
Kentucky: 0 to 10 years	Texas: 2 to 20 years
Louisiana: 3 to 30 years	Utah: 0 to 15 years
Maine: 6 months to 10 years	Vermont: 1 to 15 years
Maryland: 0 to 5 years	Virginia: 1 to 20 years
Massachusetts: 30 days to 15 years	Washington: 31 to 177 months
Michigan: 0 to 20 years	West Virginia: 90 days to 10 years
Minnesota: 0 to 10 years	Wisconsin: 0 to 40 years
Mississippi: 5 to 25 years	Wyoming: 0 to 20 years
Missouri: 0 to 15 years	

**Time is listed as approximate as an offender may be charged with other crimes which may add on to the sentence.*

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Alabama	<p>1 to 10 years</p> <p>Not less than 1 year nor more than 5 years and/or not less than \$500 or more than \$2,000.</p> <p>Criminally Negligent Homicide while driving under the influence: Not less than 1 year & 1 day or more than 10 years and may be fined not more than \$15,000.</p> <p><i>AL ST § 13A-5-6; AL ST § 13A-5-11; AL ST § 13A-6(a), (c).</i></p>
Alaska	<p>1 to 99 years</p> <p><u>Case Law</u>: Vehicular homicide can be second-degree murder, manslaughter, or criminally negligent homicide, depending on the degree of the risk created by the defendant's conduct and level of awareness of risk.</p> <p><i>(AK ST § 11.41.110(a)(2)), (AK ST § 11.41.120(a)), (AK ST § 11.41.130(a)).</i></p>
Arizona	<p>None</p> <p>None, but the following may apply:</p> <p><u>Negligent Homicide</u>: 1 to 8 years.</p> <p><u>Manslaughter</u>: 7 to 21 years.</p> <p><u>Second Degree Murder</u>: 10-22 years.</p>
Arkansas	<p>5 to 20 years</p> <p><u>Negligent homicide</u>: Class B felony-Not less than 5 years or more than 20 years and not more than \$15,000.</p> <p><i>AR ST § 5-4-401(a)(3); AR ST § 5-4-201(a)(1).</i></p>
California	<p>0 to 10 years</p> <p><u>Gross Vehicular Manslaughter While Intoxicated</u>: Imprisonment in the state prison for 4, 6, or 10 years and not more than \$10,000.</p> <p><u>Vehicular Manslaughter While Intoxicated</u>: Imprisonment in the county jail for not more than 1 year, or imprisonment in the state prison for 16 months or 2 or 4 years and not more than \$10,000.</p> <p><i>CA PENAL § 191.5(a), (b); CA PENAL § 672.</i></p>
Colorado	<p>The range is 0-12 years unless aggravated and then can go up to 24 years.</p> <p>Vehicular Homicide, in statute is 4-12 years at Department of Corrections with 5 years parole.</p>
Connecticut	<p>1 to 10 years</p> <p><u>Class C felony</u>: A person is guilty of manslaughter with a motor vehicle if while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, that person causes the death of another person. Not less than 1 year or more than 10 years and/or a fine not to exceed \$10,000.</p> <p><i>CT ST § 53a-56b. CT ST § 53a-25; CT ST § 53a-35a; CT ST § 53a-41.</i></p>

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<p>Delaware</p>	<p>1 to 5 years</p> <p><u>First degree</u>: death caused by criminally negligent driving while DWI is a Class E felony. Not less than 2 years or more than 5 years.</p> <p><u>Second degree</u>: death caused by criminally negligent driving or negligent driving while DWI is a Class F felony. Not less than 1 year or more than 3 years.</p> <p><i>DE ST TI 11 § 630A. DE ST TI 11 § 630(a)(2), DE ST TI 11 § 630(b); DE ST TI 11 § 630A(b); DE ST TI 11 § 4205(b)(5), (6); DE ST TI 11 § 4205(k).</i></p>
<p>D.C.</p>	<p>0 to 30 years</p> <p><u>Manslaughter</u>: Not more than 30 years.</p> <p><u>Negligent Homicide</u>: Not more than 5 years and/or a fine of not more than \$5,000.</p> <p><i>(DC ST § 22-2105 (DC ST § 50-2203.02.)</i></p>
<p>Florida</p>	<p>0 to 15 years</p> <p><u>DUI Manslaughter 2nd degree felony</u>: Not more than 15 years and/or not more than \$10,000.</p> <p><i>316.193(3)(c)(3); FL ST § 782.07; FL ST § 782.071. FL ST § 775.082(3)(c); FL ST § 775.083(1)(b).</i></p>
<p>Georgia</p>	<p>0 to 15 years</p> <p><u>Vehicular Homicide in the first degree (felony)</u>: Not less than 3 years or more than 15 years.</p> <p><u>Death caused by a Habitual Offender</u>: not less than 5 years or more than 20 years.</p> <p><u>Vehicular Homicide in the second degree (misdemeanor)</u>: Where the death is caused “without an intention to do so” and where there is neither reckless driving nor a DWI offense. Not more than 12 months or more than \$1,000.</p> <p><i>GA ST § 17-10-3; GA ST § 40-6-393(c). GA ST § 40-6-393(d). GA ST § 40-6-393(a).</i></p>
<p>Hawaii</p>	<p>0 to 10 years</p> <p><u>Negligent Homicide in the first degree</u>: Death caused by negligent vehicle operation while DWI is a Class B felony. Not more than 10 years and may be fined not more than \$25,000.</p> <p><u>Negligent Homicide in the second degree</u>: Death caused by negligent vehicle operation is a Class C felony. Not more than 5 years and may be fined not more than \$10,000.</p> <p><u>Negligent Homicide in the third degree</u>: Death caused by simple negligence is Misdemeanor. Not more than 1 year or not more than \$2,000.</p> <p><i>HI ST § 706-640; HI ST § 706-660; HI ST § 706-663; HI ST § 707-702.5; HI ST § 707-703; HI ST § 707-704.</i></p>
<p>Idaho</p>	<p>0 to 15 years</p> <p><u>Vehicular Manslaughter</u>: Not more than 15 years and/or not more than \$15,000.</p> <p><i>ID ST § 18-111; ID ST §18-4006(3)(b).</i></p>

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Illinois	<p>1 to 28 years</p> <p><u>Aggravated DUI resulting in death</u>: Class 2 felony, Not less than 3 years or more than 14 years (for death of 1 person) or not less than 6 years or more than 28 years (for death of 2 or more persons) and not more than \$25,000. The offender is required to serve 85% of any term of imprisonment. The court may not sentence the offender to probation unless the court finds that “extraordinary circumstances” exist requiring probation.</p> <p><i>625 ILCS 5/11-501(d)(1)(F). 625 ILCS 5/11-501(d)(2)(G); 730 ILCS 5/5-9-1.</i></p>
Indiana	<p>2 to 20 years</p> <p><u>First offense with a BAC between .08 to .14</u>: Class C felony, A fixed term of between 2 years and 8 years (advisory sentence of 4 years) and may be fined not more than \$10,000.</p> <p><u>BAC Greater than .15</u>: Class B Felony, A fixed term of between 6 years and 20 years (advisory sentence of 10 years) and may be fined not more than \$10,000.</p> <p><i>IN ST § 35-50-2-5. IN ST § 35-50-2-6.</i></p>
Iowa	<p>1 to 25 years</p> <p><u>Class B felony</u>: Not more than 25 years.</p> <p><i>IA ST § 902.9(2).</i></p>
Kansas	<p>0 to 172 months</p> <p><u>Involuntary Manslaughter while DUI</u>: An unintentional death while DUI, Severity Level 4 Person Felony. 38-172 months and not more than \$300,000.</p> <p><u>Vehicle Homicide</u>: Death caused by operation of a vehicle in a manner that causes unreasonable risk and which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances Class A Personal Misdemeanor. Not more than 1 year and not more than \$2,500.</p> <p><i>KS ST § 21 3405. KS ST § 21-3442. KS ST § 21 4502; KS ST § 21-4704.</i></p>
Kentucky	<p>0 to 10 years</p> <p><u>Manslaughter in the Second Degree</u>: when a person wantonly causes the death of another person including situations where the death results from the person’s operation of a motor vehicle-Class C Felony– Not less than 5 years or more than 10 years and may be fined not less than \$1,000 or more than \$10,000.</p> <p><u>Reckless Homicide</u>: when a person, with recklessness causes the death of another person-Class D Felony – Not less than 1 year or more than 5 years and may be fined not less than \$1,000 or more than \$10,000.</p> <p><i>KY ST § 507.040; Spring v. Com., 998 S.W.2d 439 (Ky. 1999). KY ST § 507.050; Farmer v. Com., 6 S.W.3d 144 (Ky.App. 1999). KY ST § 532.060; KY ST § 534.030.</i></p>

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<p>Louisiana</p>	<p>3 to 30 years <u>Vehicular Homicide</u>: Not less than 5 years (3 years mand) or more than 30 years and not less than \$2,000 or more than \$15,000. <i>LA R.S. § 14:32.1(B).</i></p>
<p>Maine</p>	<p>6 months to 10 years <u>Class B Crime</u>: Not less than 6 months or more than 10 years and not less than \$2,100 or more than \$20,000. <i>ME ST TI 17-A § 211; ME ST TI 17-A § 1252; ME ST TI 17-A § 1301; ME ST TI 29-A § 2411(D-2).</i></p>
<p>Maryland</p>	<p>0 to 5 years <u>Homicide while DUI</u>: Not more than 5 years and/or not more than \$5,000. <i>MD CRIM LAW § 2-503.</i></p>
<p>Massachusetts</p>	<p>30 days to 15 years <u>Negligently or recklessly</u>: Not less than 2½ years or more than 15 years (or not less than 1 year or more than 2½ years in jail or house of correction) and not more than \$5,000. <u>No negligence or recklessness</u>: Not less than 30 days or more than 2½ years and/or not less than \$300 or more than \$3,000. <i>MA ST 90 § 24G.</i></p>
<p>Michigan</p>	<p>0 to 20 years Not more than 15 years and/or not less than \$2,500 or more than \$10,000. If a driver fails to exhibit due care and caution when approaching and passing a stationary authorized emergency vehicle giving visual signal and causes the death of a police officer, firefighter or other emergency response personnel, punishment is: not more than 20 years and/or a fine of not less than \$2,500 or more than \$10,000. <i>MI ST § 257.625(4)(a).</i></p>
<p>Minnesota</p>	<p>0 to 10 years Death as a result of operating a motor vehicle is Not more than 10 years and/or not more than \$20,000 for DUI or in a grossly negligent manner <i>MN ST § 609.21, subd. 1.</i></p>
<p>Mississippi</p>	<p>5 to 25 years Not less than 5 years or more than 25 years and may be fined not more than \$10,000. <i>MS ST § 63-11-30(5); MS ST § 99-19-32.</i></p>
<p>Missouri</p>	<p>0 to 15 years <u>Class C felony</u>: with death to any person —Not more than 7 years and/or not more than \$5,000. <u>Class B felony</u>: Death to any person not a passenger, to two or more persons, or while BAC is at least 0.18 —Not less than 5 years or more than 15 years. <i>MO ST § 565.024. MO ST § 558.011</i></p>

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<p>Montana</p>	<p>0 to 30 years Not more than 30 years and/or not more than \$50,000. <i>MT ST § 45-5-106.</i></p>
<p>Nebraska</p>	<p>1 to 50 years <u>Class II felony</u>: if offender has a prior DUI conviction or driving on a revoked license where DUI was the cause for revocation. Not less than 1 year or more than 50 years. <u>Class III felony</u>: Not less than 1 year or more than 20 years and/or not more than \$25,000. <i>NE ST § 28-105.</i></p>
<p>Nevada</p>	<p>2 to 25 years <u>Vehicular homicide</u> (DUI-death with 3 prior like offenses)-Imprisonment for life with parole eligibility after 10 years, or a definite term of 25 years. <u>DUI Death</u>: Not less than 2 years or more than 20 years and not less than \$2,000 or more than \$5,000. <i>NV ST § 484.3795; NV ST § 484.37955.</i></p>
<p>New Hampshire</p>	<p>0 to 15 years Negligent Homicide: Class A felony, not more than 15 years and may be fined not more than \$4,000. <i>NH ST § 630:3. NH ST § 651:2.</i></p>
<p>New Jersey</p>	<p>5 to 10 years <u>Crime of the second degree</u>: Not less than 5 years or more than 10 years and/or not more than \$150,000. <i>NJ ST § 2C:43-3(a)(2); NJ ST § 2C:43 6(a)(2).</i></p>
<p>New Mexico</p>	<p>0 to 6 years <u>3rd Degree felony</u>: 6 years and may be fined not more than \$5,000. <i>NM ST § 31-18-15. NM ST § 66-8-101.</i></p>
<p>New York</p>	<p>0 to 15 years <u>Vehicular manslaughter in the 2nd degree</u>: Class D felony, not more than 7 years and/or not more than \$5,000. <u>Vehicular manslaughter in the 1st degree (BAC > 0.18)</u>: Class C felony-Not more than 15 years and/or not more than \$15,000. <i>NY Penal § 125.12. NY Penal § 70.00; NY Penal § 80.00.</i></p>

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<p>North Carolina</p>	<p>15 months to 480 months <u>Felony Death by Vehicle</u>: Class E felony, sentence is 15-98 months depending on the person's criminal history and aggravating/mitigating factors. <u>Aggravated Felony Death by Vehicle</u>: Class D felony, sentence is 38-229 months depending on the person's criminal history and aggravating/mitigating factors. <u>Repeat Felony Death by Vehicle Offender</u>: Class B2 felony, sentence is 94-480 months depending on the person's criminal history and aggravating/mitigating factors. <i>NC ST § 15A-1340.17; NC ST § 20-141.4.</i></p>
<p>North Dakota</p>	<p>None None, but the following may apply. <u>Murder</u>: Class AA Felony, a maximum of life imprisonment (without parole) <u>Manslaughter</u>: Class B Felony, a maximum of 10 years and/or a fine of \$10,000; <u>Negligent Homicide</u>: Class C Felony, a maximum of 5 years and/or a fine of \$5,000. <i>NDCC § 12.1-32-01.</i></p>
<p>Ohio</p>	<p>1 to 15 years <u>Aggravated Vehicular Homicide</u> First offense (2nd degree felony) – 2 to 8 years and may be fined not more than \$15,000; Subsequent offense (1st degree felony) – 3 to 10 years and may be fined not more than \$20,000. <u>Involuntary Manslaughter</u>: First offense (3rd degree felony) – 1 to 5 years (mand); Subsequent offense (1st degree felony) – 3 to 10 years (mand). <u>Aggravated Vehicular Homicide Specification</u>: mandatory prison time if offender has 3 or more OVI convictions within 6 years, or 2 more felony OVI convictions – 10 to 15 years. <i>OH ST § 2929.14; OH ST § 2929.142; OH ST § 2929.18. OH ST § 2903.06(A)(1)(a). OH ST § 2903.04.OH ST § 2929.142.</i></p>
<p>Oklahoma</p>	<p>0 to 1 year Negligent Homicide: Not more than 1 year in the county jail and/or not less than \$100 or more than \$1,000. <i>OK ST TI 47 § 11 903.</i></p>
<p>Oregon</p>	<p>0 to 20 years <u>First Degree Manslaughter</u>: 10 years. <u>Second Degree Manslaughter</u>: 75 months. <u>Criminally Negligent Homicide</u>: Class B felony, Not more than 10 years and/or not more than \$250,000. <u>Aggravated Vehicular Homicide</u>: subsequent offense is a Class A felony, Not more than 20 years and/or not more than \$375,000. <i>OR ST § 163.118. OR ST § 163.125. OR ST 163.145.OR ST § 161.605 OR ST § 163.149. OR ST § 161.605; OR ST § 161.625.</i></p>

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Pennsylvania	<p>0 to 10 years</p> <p><u>Homicide by Vehicle While Driving Under the Influence</u>: 2nd Degree Felony, Not more than 10 years and/or not more than \$25,000.</p> <p><i>18 Pa.C.S.A. § 1101; 18 Pa.C.S.A. § 1104. 75 Pa.C.S.A. § 3735.</i></p>
Rhode Island	<p>5 to 20 years</p> <p><u>First offense</u>: Not less than 5 years or more than 15 years and not less than \$5,000 or more than \$10,000.</p> <p><u>Second or subsequent offense (within 5 years)</u>: Not less than 10 years or more than 20 years and not less than \$10,000 or more than \$20,000.</p> <p><i>RI ST § 31-27-2.2.</i></p>
South Carolina	<p>1 to 25 years</p> <p>Not less than 1 year or more than 25 years and not less than \$10,100 or more than \$25,100.</p> <p><i>SC ST § 56-5-2945(A)(2).</i></p>
South Dakota	<p>0 to 15 years</p> <p>Class 3 felony-Not more than 15 years and a fine of \$30,000 may be imposed.</p> <p><i>SD ST § 22-16-41.SD ST § 22-6-1</i></p>
Tennessee	<p>8 to 60 years</p> <p><u>Vehicular Homicide</u>: Class B felony, not less than 8 years or more than 30 years and a fine of not more than \$25,000 may be imposed.</p> <p><u>Aggravated Vehicle Homicide</u>: Class A felony, not less than 15 years or more than 60 years and a fine of not more than \$50,000 may be imposed.</p> <p><i>TN ST § 39 13 218.</i></p>
Texas	<p>2 to 20 years</p> <p><u>Intoxication Manslaughter</u>: Second degree felony, not less than 2 years or more than 20 years and may be fined not more than \$10,000.</p> <p><i>TX Penal § 12.33.</i></p>
Utah	<p>0 to 15 years</p> <p><u>Third Degree Felony</u>: Not more than 5 years and/or not more than \$5,000.</p> <p><u>Second Degree Felony</u>: Not less than 1 year or more than 15 years and/or not more than \$10,000.</p> <p><i>UT ST § 76-5-207. UT ST § 76 3 203; UT ST § 76-3-301; UT ST § 76-5-207.</i></p>
Vermont	<p>1 to 15 years</p> <p>Not less than 1 year or more than 15 years and/or not more than \$10,000.</p> <p><i>23 VSA § 1210(e).</i></p>

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Virginia	<p>1 to 20 years</p> <p><u>Involuntary Manslaughter</u>: Not less than 1 year or more than 10 years, or not more than 12 months and/or not more than \$2,500.</p> <p><u>Aggravated Involuntary Manslaughter</u>: Not less than 1 year or more than 20 years.</p> <p><i>VA ST § 18.2-10; VA ST § 18.2-36.1.</i></p>
Washington	<p>31 to 177 months</p> <p><u>Class A felony</u>: Life Imprisonment and/or not more than \$50,000. An offender may serve 31 to 177 months of actual incarceration.</p> <p><i>WA ST § 9A.20.021(1)(a).</i></p>
West Virginia	<p>90 days to 10 years</p> <p><u>DUI Death–Reckless Disregard (felony)</u>: Not less than 2 years or more than 10 years and not less than \$1,000 or more than \$3,000.</p> <p><u>DUI Death (misdemeanor)</u>: Not less than 90 days or more than 1 year and not less than \$500 or more than \$1,000.</p> <p><i>WV ST § 17C-5-2(a), (b).</i></p>
Wisconsin	<p>0 to 40 years</p> <p><u>First conviction</u>: Class D felony, not more than 25 years and/or not more than \$100,000.</p> <p><u>Subsequent conviction</u>: Class C felony Not more than 40 years and/or not more than \$100,000.</p> <p><i>WI ST § 939.50. WI ST § 940.09.</i></p>
Wyoming	<p>0 to 20 years</p> <p>Aggravated homicide by vehicle is a felony. Not more than 20 years.</p> <p><i>WY ST § 6-2-106</i></p>

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