



DUI Child Endangerment Laws

Responsibility.org Position:

Responsibility.org supports the passage of driving under the influence (DUI) child endangerment laws that increase penalties for offenders who endanger the lives of children. We support a comprehensive approach to the issue of child endangerment that goes beyond the passage and implementation of legislation. To be effective, these laws must be highly publicized (to create deterrence), consistently enforced, and prosecuted. Responsibility.org believes that the decision to drive impaired with a child in the vehicle is especially reckless, and, as such, offenders should not be eligible for plea-bargaining (i.e., charge reduction) or diversion programs.

This paper includes the most current and relevant data for this position as of January 9, 2025.

Overview:

Child endangerment laws punish individuals who jeopardize children's safety, including in impaired driving cases where adults endanger children, by driving impaired. It is estimated one in four children ages 0 – 14 killed in fatal motor vehicle crashes is killed by a drunk driver. In 2022 (latest available data), 1,129 children 14 and younger died in motor vehicle crashes, including 283 (25%) in alcohol-impaired driving crashes. Of these fatalities, 150 (53%) of the children were killed in vehicles operated by a drunk driver, 89 (31%) were passengers in other vehicles, 41 (14%) were non-occupants (pedestrians, pedal-cyclists, etc.), and 3 were child drivers (NHTSA, 2024).

Current laws may enhance DUI penalties or create separate charges for driving under the influence with a child in the vehicle, but these laws vary across the country (e.g., age cutoffs, charge classification – misdemeanor vs. felony, sanctions). In some instances, the presence of a child in the vehicle at the time of the arrest is also considered an aggravating factor during sentencing.

Leandra's Law, also known as the Child Passenger Safety Act, was passed in New York in 2009, after several high-profile crashes in New York State. This Act made it a felony offense for anyone with a BAC of .08 or above to operate a vehicle with a child aged 15 or younger in the car.

Research Highlights:

- Results from a 1999 national telephone survey (Royal, 2000) estimated that between 46 to 102 million drinking-and-driving trips occur annually with children younger than age 15 in the motor vehicle.

- Rates of alcohol involvement in child passenger fatalities range from 22-28%, depending on the age group (CDC, 1997; Margolis et al., 2000; Quinlan et al., 2000).
- A Centers for Disease Control and Prevention (CDC) study (2004) found that 68% of children who died in alcohol-related crashes between 1997 and 2002 were riding with drunk drivers. The median BAC of these drivers was .13.
- A more recent analysis by Kelley-Baker and Romano (2014) of fatality data from 1982 to 2011, found that approximately 14% of all children who died in motor vehicle crashes were transported by a driver with a BAC of .08 or higher.
- Child passengers in the vehicle of a drunk driver are less likely to be properly restrained (CDC, 2004). Of the 1,451 child passengers with known restraint information who died in these crashes, only 466 (32%) were restrained at the time of the crash.
- A majority of child passengers killed in drunk driving crashes die in the vehicle driven by the alcohol-impaired driver. A 2024 research study published in *Pediatrics* found between 2011 and 2020, among child passengers who died in a motor vehicle crash involving an alcohol-impaired driver, 64% were killed while riding in the same vehicle as the drunk driver. Additionally, the research found that as the driver's BAC increased, the child was less likely to be restrained.
- Trends have persisted despite vehicle improvements, child restraint improvements, and the enactment of traffic safety laws and policies (Kelley-Baker and Romano, 2015).
- Current evaluation research reveals that existing child endangerment laws by themselves have not been effective in reducing child fatalities (Kelley-Baker and Romano., 2016). These reasons mostly include issues related to enforcement and lack of public awareness.

Prevalence:

Currently, 44 states and DC have enhanced penalties for DUI convictions with a child passenger (NDAA, 2022).

Access Responsibility.org's interactive [State Laws Map](#) for more details.

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