



# National Traffic Law Center Child Endangerment Statutes & Penalties in DUI Cases

Updated August 2025

**Scope:** This compilation contains codified impaired driving statutes that provide enhanced penalties when a child is a passenger in the vehicle. This compilation also includes child endangerment statutes and other crimes that may apply to traffic offenses in the absence of (or in addition to) a charged impaired driving offense.

Where this chart gives the statute's penalty in brackets, that indicates that the offense's statutory language only provided the offense's classification (e.g., Class A misdemeanor, Class C felony, etc.) and not the penalty associated with the classification. The user should be aware, however, that not all the listed statutes include all the applicable penalties. This compilation is up to date as of the month it was created, but users are encouraged to check case law and current legislation for any possible modifications to the below-listed statutes.

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## Summary Chart

State	Enhanced Penalties for DUI Convictions with a Child Passenger	Enhanced penalty for impaired driving (first offense)	Endangerment Enhancement Statutes	Endangerment enhancement penalty	Other Applicable Laws
AL	Yes	Double the minimum punishment	Yes	Up to one year in prison	
AK	No		Yes	Up to one year in prison	
AZ	Yes	Six months incarceration [minimum]	No		Yes- Permitting life, health or morals of minor to be imperiled
AR	Yes	Seven days to one year imprisonment	Yes	Up to six years imprisonment	
CA	Yes	48 hours imprisonment	Yes	Up to one year imprisonment	
CO	No		No		Yes - Child Abuse
CT	No		No		Yes - Injury or risk of injury to children
DE	Yes	\$500-\$1,500 fine; 40 hours community service	Yes	Up to one year imprisonment, max \$2,300 fine	Yes - Vehicular assault
DC	Yes	\$500-\$1,000 fine; 5 days jail if child restrained, 10 days if not (per child, mandatory min.)	No		Yes - Cruelty to children
FL	Yes	\$1,000-\$2,000 fine; up to nine months incarceration	No		Yes - Abuse, aggravated abuse of children
GA	Yes	Up to \$1,000 fine; up to one year jail	No		Yes - Cruelty to Children
HI	Yes	\$500 fine; minimum 48 hours jail	Yes	Up to one year imprisonment	
ID	Yes	Up to \$1,000 fine &/or up to six months imprisonment	No		
IL	Yes	Up to six months imprisonment; 25 days community service	Yes	Up to one year imprisonment	



State	Enhanced Penalties for DUI Convictions with a Child Passenger	Enhanced penalty for impaired driving (first offense)	Endangerment Enhancement Statutes	Endangerment enhancement penalty	Other Applicable Laws
IN	Yes	Fine up to \$10,000, Six months to 2.5 years imprisonment	No		Yes - Neglect of a Dependent
IA	No		Yes	Up to 2 years imprisonment; Fine of \$625 - \$6,250	
KS	Yes	One month add'l imprisonment, consecutive to any mand. min. (not to exceed max. sentence)	Yes	Up to one year imprisonment	
KY	Yes	Minimum four days imprisonment	Yes	Up to one year imprisonment	
LA	Yes	Minimum ten days imprisonment; min \$300 fine	No		Yes - Cruelty to juveniles
ME	Yes	Minimum 48 hours imprisonment	Yes	Three-five years' imprisonment	Yes - Reckless Conduct
MD	Yes	(b), (c): Up to 1 year imprisonment &/or \$1,000 fine; (a), (d): up to 2 yrs imprisonment &/or \$2,000 fine	No		
MA	Yes	Fine \$1,000-\$5,000 90 days – 2.5 years' imprisonment	Yes	Up to 2.5 years' imprisonment	Yes - Wanton or Reckless Behavior
MI	Yes	Fine \$200-\$1,000; minimum five days imprisonment, up to one year; 30-90 days community service	No		Yes - Child Abuse
MN	Yes	Minimum 30 days imprisonment	Yes	Up to one year imprisonment; Fine up to \$3,000	
MS	Yes	Up to 12 months, \$1,000 fine, or both	No		Yes - Simple and aggravated assault
MO	Yes	Not to exceed 1 year	Yes	Up to seven years' imprisonment	

State	Enhanced Penalties for DUI Convictions with a Child Passenger	Enhanced penalty for impaired driving (first offense)	Endangerment Enhancement Statutes	Endangerment enhancement penalty	Other Applicable Laws
MT	Yes	48 hours (min) to one year incarceration; \$600-\$2,000 fine	Yes	Up to six months' imprisonment; up to \$500 fine	Yes- Criminal Endangerment, Negligent Endangerment.
NE	Yes	Up to one year imprisonment; up to \$1,000 fine	No		Yes - Child Abuse
NV	Yes	Aggravating factor in sentencing	Yes	Up to 364 days imprisonment; up to \$2,000 fine; or both	
NH	Yes	5 days minimum incarceration; \$750 minimum fine	Yes	Up to one year imprisonment	Yes - Reckless Conduct
NJ	Yes	Up to 6 months.	No		Yes- Child abuse, Child neglect
NM	Yes	Up to 1 year imprisonment; \$1,000 fine; or both	No		Yes - Abandonment or Abuse of Child
NY	Yes	Up to 1 year imprisonment &/or \$1,000-\$2,500 fine	Yes	Up to one year imprisonment or up to \$1,000 fine	
NC	Yes	30 days – 24 months imprisonment and up to \$4,000 fine	No		Yes - Child Abuse
ND	Yes	Up to one year imprisonment &/or up to \$3,000 fine	No		Yes - Assault; Reckless Endangerment
OH	Yes	Up to 180 days imprisonment	Yes	Can also be sentenced for DUI	
OK	Yes	Double the fine (up to \$2,000)	Yes	Up to four years imprisonment &/or up to \$5,000 fine	
OR	Yes	Up to 364 days in jail and \$10,000 maximum fine	Yes	Up to four years imprisonment	Yes - Recklessly Endangering Another Person
PA	Yes	Additional \$1,000 fine & 100 hrs. community service	Yes	Not more than five years imprisonment	
RI	Yes	Up to one year imprisonment & \$1,000 fine	No		Yes - Battery

State	Enhanced Penalties for DUI Convictions with a Child Passenger	Enhanced penalty for impaired driving (first offense)	Endangerment Enhancement Statutes	Endangerment enhancement penalty	Other Applicable Laws
SC	Yes	Half of the fine and prison term for DUI charge, not to be suspended	Yes		
SD	No		No		Yes -Vehicular Battery; Reckless Driving, Simple Assault
TN	Yes	Additional mand. min. 30 days imprisonment plus \$1,000 min. fine	No		Yes - Abuse or Neglect
TX	Yes	180 days – 2 years' imprisonment; not more than \$10,000	Yes	180 days – 2 years' imprisonment; not more than \$10,000	
UT	Yes	Up to 364 days imprisonment	No		Yes - Child Abuse
VT	No		No		Yes - Cruelty to Children under 10 by one over 16
VA	Yes	Additional 5 days imprisonment & \$500-\$1,000 fine	No		Yes -Abuse and Neglect of Children
WA	Yes	Additional 1 day imprisonment & \$1,000-\$5,000 fine	No		Yes - Assault of Child
WV	Yes	2 days – 12 months imprisonment; \$200-\$1,000 fine	No		Yes - Child Neglect
WI	Yes	Double maximum prison term (5 days to 6 months) and fine (\$350-\$1,100)	No		Yes - Neglecting a Child
WY	Yes	Up to one year imprisonment &/or fine up to \$750	Yes	Up to one year &/or fine up to \$1,000	

## Alabama

### **Ala. Code §32-5A-191. Driving while under influence of alcohol, controlled substances, etc. (1975 as amended 2023).**

.....

(e) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than six hundred dollars (\$600) nor more than two thousand one hundred dollars (\$2,100), or by both a fine and imprisonment... If, on a first conviction, any person refusing to provide a blood alcohol concentration, if a child under the age of 14 years was a passenger in the vehicle at the time of the offense, if someone else besides the offender was injured at the time of the offense, or if the offender is found to have had at least 0.15 percent or more by weight of alcohol in his or her blood while operating or being in actual physical control of a vehicle, the Secretary of the Alabama State Law Enforcement Agency shall suspend the driving privilege or driver's license of the person convicted for a period of 90 days and the person shall be required to have an ignition interlock device installed and operating on the designated motor vehicle driven by the offender for a period of one year from the date of issuance of a driver's license indicating that the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock device on a motor vehicle. . . .

(j) When any person over the age of 21 years is convicted of violating this section and it is found that a child under the age of 14 years was a passenger in the vehicle at the time of the offense, the person shall be sentenced to at least double the minimum punishment that the person would have received if the child had not been a passenger in the motor vehicle. This subsection does not apply to the duration of time an interlock ignition device is required by this section.

.....

### **Ala. Code §13A-13-6. Endangering welfare of child (1975, as amended 1977).**

(a) A man or woman commits the crime of endangering the welfare of a child when:

- (1) He or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving a substantial risk of danger to his life or health; or
- (2) He or she, as a parent, guardian or other person legally charged with the care or custody of a child less than 18 years of age, fails to exercise reasonable diligence in the control of such child to prevent him or her from becoming a "dependent child" or a "delinquent child," as defined in Section 12-15-1.

.....

(c) Endangering the welfare of a child is a Class A misdemeanor [punishable by imprisonment in the county jail or to hard labor for the county for not more than one year, Ala. Code Ann. § 13A-5-7].



## Alaska

### **Alaska Stat. §11.51.100. Endangering the welfare of a child in the first degree (1978, as amended 2013).**

.....

(b) A person commits the crime of endangering the welfare of a minor in the first degree if the person transports a child in a motor vehicle, aircraft, or watercraft while in violation of AS 28.35.030. [Operating a vehicle, aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance.]

.....

(e) Endangering the welfare of a child under (b) of this subsection is a class A misdemeanor. [punishable by a definite term of imprisonment of not more than one year, Alaska Stat. § 12.55.135]

.....

## Arizona

### **Ariz. Rev. Stat. Ann. §28-1383. Aggravated driving or actual physical control while under the influence; county jail program; annual report; violation; classification; definitions (1995, as amended 2019).**

A. A person is guilty of aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs if the person does any of the following:

....

3. While a person under fifteen years of age is in the vehicle, commits a violation of either:

(a) Section 28-1381 [DUI].

(b) Section 28-1382 [DUI Extreme Influence].

.....

F. A person who is convicted under subsection A, paragraph 3, subdivision (a) of this section shall serve at least the minimum term of incarceration required pursuant to § 28-1381.

G. A person who is convicted under subsection A, paragraph 3, subdivision (b) of this section shall serve at least the minimum term of incarceration required pursuant to § 28-1382.

.....

L. After completing the period of suspension required by § 28-1385, a person whose driving privilege is revoked for a violation of subsection A, paragraph 3 of this section may apply to the department for a special ignition interlock restricted driver license pursuant to § 28-1401.



.....

O. Aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs committed under:

.....

2. Subsection A, paragraph 3 of this section is a class 6 felony [punishable by a minimum of six months incarceration, Ariz. Rev. Stat. Ann. § 13-702].

.....

**Ariz. Rev. Stat. Ann. §13-3619. Permitting life, health or morals of minor to be imperiled by neglect, abuse or immoral associations; classification (1964 as amended 1978).**

A person having custody of a minor under sixteen years of age who knowingly causes or permits the life of such minor to be endangered, its health to be injured or its moral welfare to be imperiled, by neglect, abuse or immoral associations, is guilty of a class 1 misdemeanor [A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations. . .[f]or a class 1 misdemeanor, six months. . . . Ariz. Rev. Stat. § 13-707].

## **Arkansas**

**Ark. Code Ann. §5-65-111. Sentencing—Periods of incarceration—Exception (1983 as amended 2021).**

(a)(1) A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 [Driving or boating while intoxicated], for a first offense upon conviction is guilty of an unclassified misdemeanor and may be imprisoned for not less than:

(A) Twenty-four (24) hours but no more than one (1) year; or

(B) Seven (7) days but no more than one (1) year if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(2) The court may order public service instead of imprisonment and, if the court orders public service, the court shall include the reasons for the order of public service instead of imprisonment in the court's written order or judgment.

(b)(1) A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a second offense occurring within ten (10) years of the first offense upon conviction is guilty of an unclassified misdemeanor and may be imprisoned for not less than:

(A) Seven (7) days but no more than one (1) year; or



(B) Thirty (30) days but no more than one (1) year if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(2) The court may order public service instead of imprisonment in the following manner, and if the court orders public service, the court shall include the reasons for the order of public service instead of imprisonment in its written order or judgment:

(A) Not less than thirty (30) days; or

(B) Not less than sixty (60) days if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(c)(1) A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a third offense occurring within ten (10) years of the first offense upon conviction is guilty of an unclassified misdemeanor and may be imprisoned for not less than:

(A) Ninety (90) days but no more than one (1) year; or

(B) One hundred twenty (120) days but no more than one (1) year if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(2) The court may order public service instead of imprisonment in the following manner, and if the court orders public service, the court shall include the reasons for the order of public service instead of imprisonment in its written order or judgment:

(A) Not less than ninety (90) days; or

(B) Not less than one hundred twenty (120) days if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(d) A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a fourth offense occurring within ten (10) years of the first offense upon conviction is guilty of an unclassified felony and may be imprisoned for not less than:

(1) One (1) year but no more than six (6) years; or

(2) Two (2) years but no more than six (6) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

(e) A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a fifth or subsequent offense occurring within ten (10) years of the first offense upon conviction is guilty of an unclassified felony and may be imprisoned for no fewer than:

(1) Two (2) years but no more than ten (10) years; or





(2) Three (3) years but no more than ten (10) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

.....

(i) It is an affirmative defense to prosecution under subdivisions (a)(2)(A), (b)(1)(B), (c)(1)(B), (d)(1)(B), and (e)(1)(B) of this section that the person operating or in actual physical control of the motor vehicle or motorboat was not more than two (2) years older than the passenger.

.....

**Ark. Code Ann. § 5-27-205. Endangering welfare of minor--First degree (1975 as amended 2023).**

(a) A person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor, he or she purposely:

(1) Engages in conduct creating a substantial risk of death or serious physical injury to a minor; . . .

(b) Endangering the welfare of a minor in the first degree is a Class D felony. [For a Class D felony, the sentence shall not exceed six (6) years. Ark. Code Ann. § 5-4-401].

.....

**Ark. Code Ann. §5-27-206. Endangering the welfare of a minor-- Second degree (1975 as amended 2005).**

(a)(1) A person commits the offense of endangering the welfare of a minor in the second degree if he or she knowingly engages in conduct creating a substantial risk of serious harm to the physical or mental welfare of another person known by the person to be a minor.

(2) As used in this section, "serious harm to the physical or mental welfare" means physical or mental injury that causes:

(A) Protracted disfigurement;

(B) Protracted impairment of physical or mental health; or

(C) Loss or protracted impairment of the function of any bodily member or organ.

(b) Endangering the welfare of a minor in the second degree is a Class A misdemeanor [For a Class A misdemeanor, the sentence shall not exceed one (1) year. Ark. Code Ann. § 5-4-401].

**Ark. Code Ann. § 5-27-207. Endangering the welfare of a minor -- Third degree (2005).**

(a)(1) A person commits the offense of endangering the welfare of a minor in the third degree if the person recklessly engages in conduct creating a substantial risk of serious harm to the physical or mental welfare of a person known by the actor to be a minor.

(2) As used in this section, "serious harm to the physical or mental welfare" means physical or mental injury that causes:

(A) Protracted disfigurement;

(B) Protracted impairment of physical or mental health; or

(C) Loss or protracted impairment of the function of any bodily member or organ.

(b) Endangering the welfare of a minor in the third degree is a Class B misdemeanor. [For a Class B misdemeanor, the sentence shall not exceed ninety (90) days. Ark. Code Ann. § 5-4-401.]

## **California**

### **Cal. Veh. Code §23572. Conviction of violation of § 23152; minor in vehicle; enhanced punishment (1998 as amended 1999).**

(a) If any person is convicted of a violation of Section 23152 [Driving under influence; blood alcohol percentage; presumptions] and a minor under 14 years of age was a passenger in the vehicle at the time of the offense, the court shall impose the following penalties in addition to any other penalty prescribed:

(1) If the person is convicted of a violation of Section 23152 punishable under Section 23536 [first offense], the punishment shall be enhanced by an imprisonment of 48 continuous hours in the county jail, whether or not probation is granted, no part of which shall be stayed.

.....

(b) The driving of a vehicle in which a minor under 14 years of age was a passenger shall be pled and proven.

(c) No punishment enhancement shall be imposed pursuant to this section if the person is also convicted of a violation of Section 273a of the Penal Code [Willful harm or injury to child; endangering person or health; punishment; conditions of probation] arising out of the same facts and incident.

### **Cal. Penal Code §273a. Willful harm or injury to child; endangering person or health; punishment; conditions of probation (1905 as amended 1997).**



(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

(c) If a person is convicted of violating this section and probation is granted, the court shall require the following minimum conditions of probation:

(1) A mandatory minimum period of probation of 48 months.

.....

(4) If the offense was committed while the defendant was under the influence of drugs or alcohol, the defendant shall abstain from the use of drugs or alcohol during the period of probation and shall be subject to random drug testing by his or her probation officer.

(5) The court may waive any of the above minimum conditions of probation upon a finding that the condition would not be in the best interests of justice. The court shall state on the record its reasons for any waiver.

## Colorado

### **Colo. Rev. Stat. §18-6-401. Child abuse—definition (1975 as amended 2021).**

(1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.

.....

(2) In this section, “child” means a person under the age of sixteen years.

.....

(7)(a) Where death or injury results, the following shall apply:



(I) When a person acts knowingly or recklessly and the child abuse results in death to the child, it is a class 2 felony except as provided in paragraph (c) of this subsection (7). [which carries 8-24 years imprisonment, fine \$5,000 - \$1m, Colo. Rev. Stat. §18-1.3-401].

(II) When a person acts with criminal negligence and the child abuse results in death to the child, it is a class 3 felony. [which carries a presumptive penalty of 4-12 years imprisonment, fine \$3,000 - \$750,000. Colo. Rev. Stat. § 18-1.3-401].

(III) When a person acts knowingly or recklessly and the child abuse results in serious bodily injury to the child, it is a class 3 felony [which carries a presumptive penalty of 4-12 years imprisonment, fine \$3,000 - \$750,000. Colo. Rev. Stat. § 18-1.3-401].

(IV) When a person acts with criminal negligence and the child abuse results in serious bodily injury to the child, it is a class 4 felony. [which carries a presumptive penalty of 2-6 years imprisonment, fine \$2,000 - \$500,000. Colo. Rev. Stat. § 18-1.3-401].

(V) When a person acts knowingly or recklessly and the child abuse results in any injury other than serious bodily injury, it is a class 1 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony. [Generally, a class 5 felony carries 1-3 years imprisonment and a fine of \$1,000 - \$100,000. Colo. Rev. Stat. § 18-1.3-401(1)(a)(III)(E)(V)(A). However, because the Colorado General Assembly found “that certain misdemeanors ... present an extraordinary risk of harm to society ... in the interest of public safety, the maximum sentence for convictions under this section shall be increased by six months.” Colo. Rev. Stat. § 18-1.3-501.]

(VI) When a person acts with criminal negligence and the child abuse results in any injury other than serious bodily injury to the child, it is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony. [A class 5 felony carries a presumptive penalty of 1-3 years imprisonment, fine \$1,000 - \$100,000. Colo. Rev. Stat. § 18-1.3-401].

(b) Where no death or injury results, the following shall apply:

(I) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor [3 months – 1 year imprisonment, fine \$250 - \$1,000, Colo. Rev. Stat. § 18-1.3-501 (1) (a)]; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony. [A class 5 felony carries a presumptive penalty of 1-3 years imprisonment, fine \$1,000 - \$100,000. Id.]

(II) An act of child abuse when a person acts with criminal negligence is a class 2 misdemeanor [3 months – 1 year imprisonment, fine \$250 - \$1,000, Colo. Rev. Stat. § 18-1.3-501 (1) (a)]; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony. [A class 5 felony carries a presumptive penalty of 1-3 years imprisonment, fine \$1,000 - \$100,000. Id.]

(c) When a person knowingly causes the death of a child who has not yet attained twelve years of age and the person committing the offense is one in a position of trust with respect to the child, such person commits the crime of murder in the first degree as described in section 18-3-102(1).

(d) When a person commits child abuse as described in paragraph (c) of subsection (1) of this section, it is a class 3 felony [As to any person sentenced for a felony committed on or after July 1, 1993, a class 3 felony carries a presumptive penalty of 4-12 years imprisonment, fine \$3,000 - \$750,000. Colo. Rev. Stat. § 18-1.3-401].

.....

(7.3) Felony child abuse is an extraordinary risk crime that is subject to the modified presumptive sentencing range specified in section 18-1.3-401(10). Misdemeanor child abuse is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).

(7.5) If a defendant is convicted of the class 2 or class 3 felony of child abuse under subparagraph (I) or (III) of paragraph (a) of subsection (7) of this section, the court shall sentence the defendant in accordance with section 18-1.3-401(8)(d).

.....

## Connecticut

### **Conn. Gen. Stat. § 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children (1949 as amended 2015).**

(a) Any person who (1) willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child ... shall be guilty of (A) a class C felony [which carries a penalty of not less than 1 year nor more than 10 years or a fine not more than \$10,000, Conn. Gen. Stat. § 53a-35a]. . . .

## Delaware

### **Del. Code Ann. tit. 21 §4177. Driving a vehicle while under the influence or with a prohibited alcohol or drug content; evidence; arrests; and penalties (1963 as amended 2024).**

(a) No person shall drive a vehicle:

(1) When the person is under the influence of alcohol;

(2) When the person is under the influence of any drug;



- (3) When the person is under the influence of a combination of alcohol and any drug;
- (4) When the person's alcohol concentration is .08 or more; or
- (5) When the person's alcohol concentration is, within 4 hours after the time of driving .08 or more. Notwithstanding any other provision of the law to the contrary, a person is guilty under this subsection, without regard to the person's alcohol concentration at the time of driving, if the person's alcohol concentration is, within 4 hours after the time of driving .08 or more and that alcohol concentration is the result of an amount of alcohol present in, or consumed by the person when that person was driving;
- (6) When the person's blood contains, within 4 hours of driving, any amount of an illicit or recreational drug that is the result of the unlawful use or consumption of such illicit or recreational drug or any amount of a substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug prior to or during driving.

.....

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

.....

- (10) In addition to the penalties otherwise authorized by this subsection, any person convicted of a violation of subsection (a) of this section, committed while a person who has not yet reached the person's seventeenth birthday is on or within the vehicle shall:
  - a. For the first offense, be fined an additional minimum of \$500 and not more than an additional \$1,500 and sentenced to perform a minimum of 40 hours of community service in a program benefiting children.
  - b. For each subsequent like offense, be fined an additional minimum of \$750 and not more than an additional \$2,500 and sentenced to perform a minimum of 80 hours of community service in a program benefiting children.
  - c. Violation of this paragraph shall be considered as an aggravating circumstance for sentencing purposes for a person convicted of a violation of subsection (a) of this section. Nothing in this paragraph shall prevent conviction for a violation of both subsection (a) of this section and any offense as defined elsewhere by the laws of this State.
  - d. Violation of or sentencing pursuant to this paragraph shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim, nor shall a violation of or sentencing pursuant to this paragraph be admissible as evidence in the trial of any civil action.

.....

**Del. Code Ann. tit. 11 §1102. Endangering the welfare of a child; class A misdemeanor; class B, C, D, E or G felony (1972 as amended 2023).**



(a) A person is guilty of endangering the welfare of a child when:

(1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child the person:

a. Intentionally, knowingly or recklessly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or

b. Intentionally, knowingly or recklessly does or fails to do any act, including failing to report a missing child, with the result that the child becomes a neglected or abused child;  
or

.....

(5) The person commits the offense of driving under the influence as set forth in § 4177 of Title 21, or the offense of operating a vessel or boat under the influence as set forth in § 2302 of Title 23, and during the commission of the offense knowingly permits a child less than 18 years of age to be a passenger in or on such vehicle, vessel or boat; or

.....

(b) Endangering the welfare of a child shall be punished as follows:

(1) When the death of a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class E felony [which carries a penalty of up to 5 years, Del. Code Ann. tit. 11 § 4205];

(2) When serious physical injury to a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class G felony [which carries a penalty of up to 2 years, Del. Code Ann. tit. 11 § 4205];

.....

(4) In all other cases, endangering the welfare of a child is a class A misdemeanor. [Class A misdemeanor may include up to 1 year incarceration at Level V and such fine up to \$2,300, restitution or other conditions as the court deems appropriate, Del. Code Ann. tit 11 § 4206].

.....

### **Del. Code Ann. tit. 11 §628. Vehicular assault in the third degree; class B misdemeanor (2011).**

A person is guilty of vehicular assault in the third degree when, while in the course of driving or operating a motor vehicle, the person's criminally negligent driving or operation of said vehicle causes physical injury to another person.

Vehicular assault in the third degree is a class B misdemeanor [which may include up to 6 months incarceration at Level V and such fine up to \$1,150, restitution or other conditions as the court deems appropriate, Del. Code Ann. tit. 11 § 4206(b)].





**Del. Code Ann. tit. 11 §628A. Vehicular assault in the second degree; class A misdemeanor (1981 as amended 2011).**

A person is guilty of vehicular assault in the second degree when:

- (1) While in the course of driving or operating a motor vehicle, the person's criminally negligent driving or operation of said vehicle causes serious physical injury to another person; or
- (2) While in the course of driving or operating a motor vehicle and under the influence of alcohol or drugs or with a prohibited alcohol or drug content, as defined by § 4177 of Title 21, the person's negligent driving or operation of said vehicle causes physical injury to another person.

Vehicular assault in the second degree is a class A misdemeanor [which may include up to 1 year incarceration at Level V and such fine up to \$2,300, restitution or other conditions as the court deems appropriate, Del. Code Ann. tit. 11 § 4206].

## **District of Columbia**

**D.C. Code Ann. §50–2206.18. Additional penalty for impaired driving with a minor in vehicle (1982 as amended 2013).**

(a) A person convicted of any offense under this part who, at the time of operation or physical control of the vehicle had a minor, other than him or herself, in the vehicle, shall, in addition to any applicable penalty under this part:

- (1) Be fined a minimum of \$500 and not more than \$1,000 per minor; and
- (2) Be incarcerated for a mandatory-minimum term of incarceration of:
  - (A) 5 days per minor if the minor or minors are restrained in, or by, an age-appropriate child passenger-safety restraint; or
  - (B) 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.

(b) The fines set forth in this section shall not be limited by § 22-3571.01.

**D.C. Code Ann. §22-1101. [Cruelty to Children:] Definition and penalty (1885 as amended 2013).**

(a) A person commits the crime of cruelty to children in the first degree if that person intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child



under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.

(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:

(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or...

(c) (1) Any person convicted of cruelty to children in the first degree shall be fined not more than \$10,000 or be imprisoned not more than 15 years, or both.

(2) Any person convicted of cruelty to children in the second degree shall be fined not more than the amount set forth in § 223571.01 or be imprisoned not more than 10 years, or both.

## Florida

### **Fla. Stat. Ann. §316.193. Driving under the influence; penalties (1971 as amended 2020).**

(1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if the person is driving or in actual physical control of a vehicle within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;

(b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or

(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath. . . .

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than \$ 1,000 or more than \$ 2,000 for a first conviction.
2. Not less than \$ 2,000 or more than \$ 4,000 for a second conviction.
3. Not less than \$ 4,000 for a third or subsequent conviction.



(b) By imprisonment for:

1. Not more than 9 months for a first conviction.
2. Not more than 12 months for a second conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 or higher. The portion of a fine imposed in excess of \$1,000 pursuant to subparagraph (a)1. and the portion of a fine imposed in excess of \$2,000 pursuant to subparagraph (a)2. or subparagraph (a)3., shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense, when the convicted person qualifies for a permanent or restricted license. . . .

### **Fla. Stat. Ann. §827.03. Abuse, aggravated abuse, and neglect of a child; penalties (1899 as amended 2025).**

(1) DEFINITIONS.—As used in this section, the term:

(a) “Aggravated child abuse” occurs when a person:

1. Commits aggravated battery on a child;
2. Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or
3. Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

(b) “Child abuse” means:

1. Intentional infliction of physical or mental injury upon a child;
2. An intentional act that could reasonably be expected to result in physical or mental injury to a child; or
3. Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.



(c) “Maliciously” means wrongfully, intentionally, and without legal justification or excuse. Maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.

(d) “Mental injury” means injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range of performance and behavior as supported by expert testimony.

(e) “Neglect of a child” means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or
2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Except as otherwise provided in this section, neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

## (2) Offenses.—

(a) A person who commits aggravated child abuse commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

.....

## Georgia



**Ga. Code Ann. §40-6-391. Drivers with ability impaired by alcohol, drugs, or toxic vapor (1953 as amended 2014).**

(a) A person shall not drive or be in actual physical control of any moving vehicle while:

- (1) Under the influence of alcohol to the extent that it is less safe for the person to drive;
- (2) Under the influence of any drug to the extent that it is less safe for the person to drive;
- (3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive;
- (4) Under the combined influence of any two or more of the substances specified in paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person to drive;
- (5) The person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended; or
- (6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.

.....

(l) A person who violates this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1 [(1) Upon conviction of the first or second offense, the defendant shall be guilty of a misdemeanor and shall be fined not more than \$1,000.00 or shall be imprisoned for not more than 12 months, or both fined and imprisoned; and (2) Upon the conviction of the third or subsequent offense, the defendant shall be guilty of a felony and shall be fined not less than \$1,000.00 nor more than \$5,000.00 or shall be imprisoned for not less than one year nor more than three years, or both fined and imprisoned].

**Ga. Code Ann. §16-5-70. Cruelty to children (1878-79 as amended 2004).**

(a) A parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under the age of 18 commits the offense of cruelty to children in the first degree when such person willfully deprives the child of necessary sustenance to the extent that the child's health or well-being is jeopardized.



(b) Any person commits the offense of cruelty to children in the first degree when such person maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.

(c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.

.....

(e) (1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

(2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one nor more than ten years.

(3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.

## Hawaii

### **Haw. Rev. Stat. Ann. § 291E-61. Operating a vehicle under the influence of an intoxicant (2000 as amended 2023).**

(a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty;

(2) While under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner;

(3) With .08 or more grams of alcohol per two hundred ten liters of breath; or

(4) With .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood.

(b) A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced without possibility of probation or suspension of sentence as follows:

.....



(3) In addition to a sentence imposed under paragraphs (1) and (2), any person eighteen years of age or older who is convicted under this section and who operated a vehicle with a passenger, in or on the vehicle, who was younger than fifteen years of age, shall be sentenced to an additional mandatory fine of \$500 and an additional mandatory term of imprisonment of forty-eight hours; provided that the total term of imprisonment for a person convicted under this paragraph shall not exceed the maximum term of imprisonment provided in paragraph (1) or (2), as applicable. Notwithstanding paragraphs (1) and (2), the revocation period for a person sentenced under this paragraph shall be not less than two years;

.....

(7) If the person demonstrates to the court that the person:

(A) Does not own or have the use of a vehicle in which the person can install an ignition interlock device during the revocation period; or

(B) Is otherwise unable to drive during the revocation period,

the person shall be prohibited from driving during the period of applicable revocation provided in paragraphs (1) to (5); provided that the person shall be sentenced to the maximum license revocation period, the court shall not issue an ignition interlock permit pursuant to subsection (i), and the person shall be subject to the penalties provided by section 291E-62 if the person drives during the applicable revocation period. . . .

### **Haw. Rev. Stat. Ann. §709-903.5. Endangering the welfare of a minor in the first degree (1986 as amended 2008).**

(1) Except as provided in subsection (2), a person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person:

(a) Intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor; or

(b) Intentionally or knowingly causes or permits the minor to inject, ingest, inhale, or otherwise introduce into the minor's body any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 that has not been prescribed by a physician for the minor, except as permitted under section 329-122.

(2) It shall be a defense to prosecution under sections 709-903.5(1) and 709-904(1) if, at the time the person allowed another to inflict serious or substantial bodily injury on a minor, the person reasonably believed the person would incur serious or substantial bodily injury in acting to prevent the infliction of serious or substantial bodily injury on the minor.

(3) Endangering the welfare of a minor in the first degree is a class C felony [which carries a penalty of 5 years imprisonment or less but not less than 1 year, Haw. Rev. Stat. Ann. §706-660].





## **Haw. Rev. Stat. Ann. § 709-904. Endangering the welfare of a minor in the second degree (1972 as amended 2008).**

(1) Except as provided in section 709-903.5(2), a person commits the offense of endangering the welfare of a minor in the second degree if, having care or custody of a minor, the person:

(a) Recklessly allows another person to inflict serious or substantial bodily injury on the minor; or

.....

(2) A person commits the offense of endangering the welfare of a minor in the second degree if, being a parent, guardian, or other person whether or not charged with the care or custody of a minor, the person knowingly endangers the minor's physical or mental welfare by violating or interfering with any legal duty of care or protection owed such minor.

(3) Endangering the welfare of a minor in the second degree is a misdemeanor [which carries a penalty of not more than one year imprisonment, Haw. Rev. Stat. Ann. §706-663].

## **Idaho**

### **Idaho Code Ann. §18-1501. Injury to children (1977 as amended 2005).**

(1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one (1) year, or in the state prison for not less than one (1) year nor more than ten (10) years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) A person over the age of eighteen (18) years commits the crime of injury to a child if the person transports a minor in a motor vehicle or vessel as defined in section 67-7003, Idaho Code, while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any person convicted of violating this subsection is guilty of a misdemeanor [punishable by imprisonment not exceeding six months or a fine of \$1,000, or both, Idaho Code Ann. §18-113 (2014)]. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than ten (10) years, unless a more severe penalty is otherwise prescribed by law.

.....



## Illinois

### **625 Ill. Comp. Stat. Ann. §5/11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof (1970 as amended 2023).**

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving;

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or

(7) the person has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code. Subject to all other requirements and provisions under this Section, this paragraph (7) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

.....

(c) Penalties.

.....

(3) A person who violates subsection (a) is subject to 6 months of imprisonment, an additional mandatory minimum fine of \$1,000, and 25 days of community service in a program benefiting children if the person was transporting a person under the age of 16 at the time of the violation.

.....



(d) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof.

(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

.....

(B) the person committed a violation of subsection (a) while driving a school bus with one or more passengers on board;

.....

(J) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury;

(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16;

.....

(2) (A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

(B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of \$2,500 shall be imposed in addition to any other criminal or administrative sanction. ***If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.***

(C) A fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. ***If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.***

(D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. ***If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.***

(E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. ***If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.***

.....

(H) For a violation of subparagraph (J) of paragraph (1) of this subsection (d), a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(I) A violation of subparagraph (K) of paragraph (1) of this subsection (d), is a Class 2 felony and a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. If the child being transported suffered bodily harm, but not great bodily harm, in a motor vehicle accident, and the violation was the proximate cause of that injury, a mandatory fine of \$5,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

.....

(3) Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any other criminal or administrative sanction.

.....

(f) The imposition of a mandatory term of imprisonment or assignment of community service for a violation of this Section shall not be suspended or reduced by the court.

.....

## **720 Ill. Comp. Stat. Ann. § 5/12C-5. Endangering the life or health of a child (1961 as amended 2013).**

(a) A person commits endangering the life or health of a child when he or she knowingly: (1) causes or permits the life or health of a child under the age of 18 to be endangered; or (2) causes or permits a child to be placed in circumstances that endanger the child's life or health. It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2/1 et seq.].

(b) A trier of fact may infer that a child 6 years of age or younger is unattended if that child is left in a motor vehicle for more than 10 minutes.

(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(d) Sentence. A violation of this Section is a Class A misdemeanor [which carries a determinate sentence of less than one year, 730 Ill. Comp. Stat. Ann. § 5/5-4.5-55]. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

## **Indiana**

### **Ind. Code Ann. §9-30-5-3. Classification of offense; previous convictions (1991 as amended 2020).**

Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony [punished by imprisonment for a fixed term of between six months and two and one-half years, with advisory sentence being one year and a fine of not more than \$10,000, Ind. Code Ann. §35-50-2-7] if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the seven (7) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b), 1(c), or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.



(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony [punished by imprisonment for a fixed term of between one and six years, with the advisory sentence being three years, and a fine of not more than \$10,000, Ind. Code Ann. §35-50-2-6] if:

(1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

**Ind. Code Ann. §35-46-1-4. Neglect of a dependent; child selling (1976 as amended 2021).**

Sec. 4. (a) A person having the care of a dependent (“Dependent” means: an unemancipated person who is under eighteen (18) years of age, Ind. Code Ann. § 35-46-1-1 (1)), whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

(1) places the dependent in a situation that endangers the dependent's life or health;

....

commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

(1) a Level 5 felony [punished by imprisonment for a fixed term of between one and six years, with the advisory sentence being three years, and a fine of not more than \$10,000, Ind. Code Ann. §35-50-2-6] if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

.....

(2) a Level 3 felony [punished by imprisonment for a fixed term of between three and sixteen years, with the advisory sentence being nine (9) years and a fine of not more than \$10,000, Ind. Code Ann. § 35-50-2-5] if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Level 1 felony [punished by imprisonment for a fixed term of between twenty and forty years, with the advisory sentence being thirty (30) years and a fine of not more than \$10,000, Ind. Code Ann. § 35-50-2-4] if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; or in the death or catastrophic injury of a dependent of any age who has a mental or physical disability; and

.....

**Iowa**



## **Iowa Code §726.6. Child Endangerment (1976 as amended 2021).**

1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:

a. Knowingly acts in a manner that creates a substantial risk to a child or minor's physical, mental or emotional health or safety.

.....

4. For the purposes of subsection 1, "*person having control over a child or a minor*" means any of the following:

a. A person who has accepted, undertaken, or assumed supervision of a child or such a minor from the parent or guardian of the child or minor.

b. A person who has undertaken or assumed temporary supervision of a child or such a minor without explicit consent from the parent or guardian of the child or minor.

c. *A person who operates a motor vehicle with a child or such a minor present in the vehicle.*

5. A person who commits child endangerment resulting in the death of a child or minor is guilty of a class "B" felony [punishable by no more than twenty-five years imprisonment, Iowa Code § 902.9]. Notwithstanding section 902.9, subsection 2, a person convicted of a violation of this subsection shall be confined for no more than fifty years.

6. A person who commits child endangerment resulting in serious injury to a child or minor is guilty of a class "C" felony [punishable by no more than ten years imprisonment, and a fine of at least one thousand three hundred seventy dollars but not more than ten thousand two hundred forty-five dollars, Iowa Code § 902.9].

7. A person who commits child endangerment resulting in bodily injury to a child or minor or child endangerment in violation of subsection 1, paragraph "g", that does not result in a serious injury, a person who commits child endangerment in violation of subsection 2, is guilty of a class "D" felony [punishable by no more than five years imprisonment, and in addition shall be sentenced to a fine of at least one thousand twenty-five dollars but not more than ten thousand two hundred forty-five dollars, Iowa Code § 902.9(1)(e)].

8. A person who commits child endangerment that is not subject to penalty under subsection 4, 5, or 6 is guilty of an aggravated misdemeanor [punishable by imprisonment not to exceed two years and a fine of at least \$625 but not to exceed \$6,250, Iowa Code § 903.1(2)].

## **Kansas**





**Kan. Stat. Ann. §8-1567. Driving under influence; penalties (1974 as amended 2025).**

(a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

.....

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

.....

**Kan. Stat. Ann. §21-5601. Endangering a child; aggravated endangering a child (2010 as amended 2024).**

(a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered;

.....



(c) (1) Endangering a child is a class A person misdemeanor [the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year, Kan. Stat. Ann. §21-6602].

(2) Aggravated endangering a child is a:

(A) Severity level 9, person felony [11-13 months imprisonment on a first offense, presumptive probation, Kan. Stat. Ann. §21-6804 & Kansas Sentencing Grid] except as provided in subsection (c)(2)(B); and

(B) severity level 6, person felony [32- 36 months imprisonment on a first offense, presumptive probation, Kan. Stat. Ann. §21-6804 & Kansas Sentencing Grid] when bodily harm is inflicted upon the child.

(3) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

## Kentucky

**Ky. Rev. Stat. Ann. §189A.010. Operating motor vehicle with alcohol concentration of or above 0.08, or of or above 0.02 for persons under age twenty-one, or while under the influence of alcohol, a controlled substance, or other substance which impairs driving ability prohibited; admissibility of alcohol concentration or controlled substance test results; presumptions; penalties; aggravating circumstances (1984 as amended 2019).**

(1) A person shall not operate or be in physical control of a motor vehicle anywhere in this state:

(a) Having an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle;

(b) While under the influence of alcohol;

(c) While under the influence of any other substance or combination of substances which impairs one's driving ability;

(d) While the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle;

(e) While under the combined influence of alcohol and any other substance which impairs one's driving ability; or



(f) Having an alcohol concentration of 0.02 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle, if the person is under the age of twenty-one (21).

.....

(5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of subsection (1) of this section shall:

(a) For the first offense within a ten (10) year period, be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or imprisonment, or both. If any of the aggravating circumstances listed in subsection (11) of this section are present while the person was operating or in physical control of a motor vehicle, the mandatory minimum term of imprisonment shall be four (4) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(b) For the second offense within a ten (10) year period, be fined not less than three hundred fifty dollars (\$350) nor more than five hundred dollars (\$500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be fourteen (14) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(c) For a third offense within a ten (10) year period, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than thirty (30) days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(d) For a fourth or subsequent offense within a ten (10) year period, be guilty of a Class D felony [For a Class D felony, (imprisonment for) not less than one (1) year nor more than five (5) years, Ky. Rev. Stat. Ann § 532.060(2)(d)]. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be two hundred forty (240) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release; and.

.....



(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

.....

(f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

.....

### **Ky. Rev. Stat. §530.060. Endangering welfare of minor (1974).**

(1) A parent, guardian or other person legally charged with the care or custody of a minor is guilty of endangering the welfare of a minor when he fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming a neglected, dependent or delinquent child.

(2) Endangering the welfare of a minor is a Class A misdemeanor. [For a Class A misdemeanor, the term of imprisonment shall not exceed 12 months. Ky. Rev. Stat. Ann. § 532.090.]

## **Louisiana**

### **La. Rev. Stat. Ann. §14:98. Operating a vehicle while intoxicated (1956 as amended 2024).**

A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:

(a) The operator is impaired by alcoholic beverages.

(b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

(c) The operator is impaired by any other drug, combination of drugs, or combination of alcohol and drugs.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.

(3) As used in this Section, the term “drug” means any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.

B. (1) This Subsection shall be cited as the “Child Endangerment Law”.

(2) When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense:



(a) Except as provided in Subparagraphs (b) and (c) of this Paragraph, the execution of the minimum mandatory sentence provided by R.S. 14:98.1 [Operating while intoxicated; first offense; penalty is fine of not less than \$300 and not more than \$1,000 and imprisonment for not less than 10 days nor more than 6 months] or 98.2 [Operating while intoxicated; second offense; penalty is fine not less than \$750 nor more than \$1,000 and imprisonment for not less than 30 days nor more than 6 months], as appropriate, shall not be suspended.

(b) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.3 [Operating while intoxicated; third offense; penalties], the execution of the minimum mandatory sentence shall not be suspended.

(c) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.4 [Operating while intoxicated; fourth offense; penalties], the execution of the minimum mandatory sentence shall not be suspended.

.....

### **La. Rev. Stat. Ann. §14:93. Cruelty to juveniles (1966 as amended 2018).**

A. Cruelty to juveniles is:

(1) The intentional or criminally negligent mistreatment or neglect by anyone seventeen years of age or older of any child under the age of seventeen whereby unjustifiable pain or suffering is caused to said child. Lack of knowledge of the child's age shall not be a defense; or

(2) The intentional or criminally negligent exposure by anyone seventeen years of age or older of any child under the age of seventeen to a clandestine laboratory operation as defined by R.S. 40:983 in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age shall not be a defense.

(3) The intentional or criminally negligent allowing of any child under the age of seventeen years by any person over the age of seventeen years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law. Lack of knowledge of the child's age shall not be a defense.

.....

C. The trial judge shall have the authority to issue any necessary orders to protect the safety of the child during the pendency of the criminal action and beyond its conclusion.

D. (1) Whoever commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, whoever commits the crime of cruelty to juveniles as defined in Paragraph (A)(1) of this Section when the victim is eight years old or younger shall be imprisoned at hard labor for not more than twenty years.

**La. Rev. Stat. Ann. §14:93.2.3. Second degree cruelty to juveniles (1999 as amended 2019).**

A. (1) Second degree cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect by anyone over the age of seventeen to any child under the age of seventeen which causes serious bodily injury or neurological impairment to that child.

.....

C. Whoever commits the crime of second degree cruelty to juveniles shall be imprisoned at hard labor for not more than forty years.

**Maine**

**Me. Rev. Stat. Ann. tit. 29-A, §2411. Criminal OUI (1993 as amended 2017).**

.....

1-A. Offense. A person commits OUI if that person:

A. Operates a motor vehicle:

(1) While under the influence of intoxicants; or

(2) While having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

.....

5. Penalties. Except as otherwise provided in this section and section 2508, violation of this section is a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 10-year period:

(1) A fine of not less than \$500, except that if the person failed to submit to a test, a fine of not less than \$600;

(2) A court-ordered suspension of a driver's license for a period of 150 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

.....



(iv) Was operating with a passenger under 21 years of age; and

.....

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C, D, D-1 or D-2 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

.....

**Me. Rev. Stat. Ann. tit. 29-A, §2451. Suspensions for OUI (1993 as amended 2017).**

.....

**5. Additional period of suspension for transporting passengers under 21 years of age.**

Unless a court orders an additional period of license suspension of 275 days pursuant to section 2411, subsection 5, paragraph G, the Secretary of State shall impose an additional suspension period of 275 days for any failure to submit to a chemical test or for OUI if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

**Me. Rev. Stat. Ann. tit. 17-A, §554. Endangering the welfare of a child (1975 as amended 2021).**

1. A person is guilty of endangering the welfare of a child if that person:

.....

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person.

Violation of this paragraph is a Class C crime [Class C crime maximum term of imprisonment is 5 years, Me. Rev. Stat. Ann. tit. 17-A Sec. 1604];

B-3. Being the parent, foster parent, guardian or other person having the care and custody of the child, knowingly deprives the child of necessary health care, with the result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime [Class D crime maximum term of imprisonment is less than one year, Me. Rev. Stat. Ann. tit. 17-A Sec. 1604];

.....

C. Otherwise recklessly endangers the health, safety or welfare of the child by violating a duty of care or protection. Violation of this paragraph is a Class D crime [Class D crime maximum term of imprisonment is less than one year, Me. Rev. Stat. Ann. tit. 17-A §1604].

.....

### **Me. Rev. Stat. Ann. tit. 17-A, §211. Reckless conduct (1975).**

1. A person is guilty of reckless conduct if he recklessly creates a substantial risk of serious bodily injury to another person.

2. Reckless conduct is a Class D crime [which carries a penalty of less than one year imprisonment in a county jail, Me. Rev. Stat. Ann. tit. 17A §1252].

## **Maryland**

### **Md. Code Ann., Transp. §21-902. Driving while under the influence or impairment of alcohol or drugs prohibited (1977 as amended 2025).**

#### **Driving while under the influence of alcohol; fines and penalties**

(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(iii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(iv) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (b), (c), or (d) of this section, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection *while transporting a minor*.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and





2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (b)(2), (c)(2), or (d)(2) of this section shall be considered a prior conviction.

### **Driving while impaired by alcohol; fines and penalties**

(b) (1) (i) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; and

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this subsection or subsection (a), (c), or (d) of this section or § 8-738 of the Natural Resources Article shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (c)(2), or (d)(2) of this section shall be considered a prior conviction.

### **Driving while under the influence of drugs and/or alcohol; fines and penalties**

(c) (1) (i) A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; and

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this subsection or subsection (a), (b), or (d) of this section or § 8-738 of the Natural Resources Article shall be considered a prior conviction.

(iv) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (b)(2), or (d)(2) of this section shall be considered a prior conviction.

### **Driving while under the influence of controlled dangerous substance; fines and penalties**

(d) (1) (i) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,200 or both; and

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,400 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (a), (b), or (c) of this section or § 8-738 of



the Natural Resources Article, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (b)(2), or (c)(2) of this section shall be considered a prior conviction.

.....

## **Md. Code Ann., Transp. §27-101. Fines and penalties for motor vehicle violations (2017).**

### **Violation a misdemeanor unless declared a felony or punishable by civil penalty**

(a) A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

(1) Is a felony under the Maryland Vehicle Law; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

### **Maximum fine for misdemeanor**

(b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding \$500.

## **Massachusetts**

### **Mass. Gen. Laws Ann. Ch. 90 §24V. Child endangerment while operating a motor vehicle or vessel under the influence; penalties; suspension of license (2005).**

(a) Whoever violates paragraph (a) of subdivision (1) of section 24 [Driving under the influence of intoxicating liquor, etc.; second and subsequent offenses; punishment; treatment programs;



reckless and unauthorized driving; failure to stop after collision] subsection (a) of section 24G [Homicide by motor vehicle; punishment], operating a motor vehicle with a percentage by weight of blood alcohol of eight one-hundredths or greater, or while under the influence of intoxicating liquor in violation of subsection (b) of said section 24G, section 24L, subsection (a) of section 8 of chapter 90B [Operating while under the influence of intoxicating liquor or narcotics, etc.; breath or blood testing; water skiing; professional exhibitions], or section 8A or 8B of chapter 90B, or section 13 ½ of chapter 265 ***with a child 14 years of age or younger in the motor vehicle or vessel shall also be guilty of child endangerment while operating a motor vehicle or vessel under the influence and shall be punished by an enhanced penalty of a fine of not less than \$1,000 nor more than \$5,000 and by imprisonment in the house of correction for not less than 90 days nor more than 2 ½ years.*** If a defendant has previously violated this subsection or a like offense in another jurisdiction preceding the date of the commission of the offense for which he has been convicted, he shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and by imprisonment in the house of correction for not less than 6 months nor more than 2 ½ years or by imprisonment in state prison for not less than 3 years but not more than 5 years. The sentence of imprisonment imposed upon such person shall not be reduced to less than 6 months, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served at least 6 months of such sentence but the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at the institution; or to engage in employment pursuant to a work release program. A sentence imposed under this subsection shall be served consecutively to and not concurrently with the predicate violation of said paragraph (a) of subdivision (1) of section 24, subsection (a) of section 24G, subsection (b) of section 24G, section 24L, subsection (a) of section 8 of chapter 90B, or section 8A or 8B of chapter 90B, section 13 ½ of chapter 265. Section 87 of chapter 276 and sections 1 to 9, inclusive, of chapter 276A shall not apply to a person charged with a violation of this subsection. Prosecutions commenced under this subsection shall not be placed on file or continued without a finding.

(b) The registrar shall suspend the license or right to operate of person who violates this section for a period of 1 year for a first offense, and for a period of 3 years for a second or subsequent violation.

**Mass. Gen. Laws Ann. Ch. 265 §13L. Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child; duty to act; penalty (2002 as amended 2010).**

For the purposes of this section, the following words shall have the following meanings:--

“Child”, any person under 18 years of age.



“Serious bodily injury”, bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

.....

Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2 1/2 years.

For the purposes of this section, such wanton or reckless behavior occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a child. The risk must be of such nature and degree that disregard of the risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

## Michigan

### **Mich. Comp. Laws Ann. §257.625. Operation of motor vehicle while under influence; prohibitions and limitations; penalties (1980 as amended 2021).**

(1) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, “operating while intoxicated” means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

....

(3) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.



(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n.<sup>1</sup> If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d<sup>2</sup> in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, “any bodily alcohol content” means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) ***He or she shall not operate a vehicle*** in violation of subsection (1), (3), (4), (5), or (8) ***while another person who is less than 16 years of age is occupying the vehicle***. A person who violates this subdivision is guilty of a crime punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

....

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

....





(8) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

....

### **Mich. Comp. Laws Ann. §750.136b. Child abuse (1931 as amended 2020).**

(1) As used in this section:

(a) “Child” means a person who is less than 18 years of age and is not emancipated by operation of law as provided in section 4 of 1968 PA 293, MCL 722.4.

(b) “Cruel” means brutal, inhuman, sadistic, or that which torments.

(c) “Omission” means a willful failure to provide food, clothing, or shelter necessary for a child's welfare or willful abandonment of a child.

(d) “Person” means a child’s parent or guardian or any other person who cares for, has custody of, or has authority over a child regardless of the length of time that a child is cared for, in the custody of, or subject to the authority of that person.

(e) “Physical harm” means any injury to a child's physical condition.

(f) “Serious physical harm” means any physical injury to a child that seriously impairs the child's health or physical well-being, including, but not limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.

(g) “Serious mental harm” means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

(2) A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for life or any term of years.

(3) A person is guilty of child abuse in the second degree if any of the following apply:

(a) The person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm or serious mental harm to a child.



(b) The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results.

(c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.

(d) The person or a licensee as licensee is defined in section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of 1973 PA 116, MCL 722.125.

(4) Child abuse in the second degree is a felony punishable by imprisonment as follows:

(a) For a first offense, not more than 10 years.

(b) For an offense following a prior conviction, not more than 20 years.

(5) A person is guilty of child abuse in the third degree if any of the following apply:

(a) The person knowingly or intentionally causes physical harm to a child.

(b) The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, and the act results in physical harm to a child.

(6) Child abuse in the third degree is a felony punishable by imprisonment as follows:

(a) For a first offense, not more than 2 years.

(b) For an offense following a prior conviction, not more than 5 years.

(7) A person is guilty of child abuse in the fourth degree if any of the following apply:

(a) The person's omission or reckless act causes physical harm to a child.

(b) The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results.

(8) Child abuse in the fourth degree is a misdemeanor punishable by imprisonment as follows:

(a) For a first offense, a misdemeanor punishable by imprisonment for not more than 1 year.

(b) For an offense following a prior conviction, a felony punishable by imprisonment for not more than 2 years.

(9) This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force.



(10) It is an affirmative defense to a prosecution under this section that the defendant's conduct involving the child was a reasonable response to an act of domestic violence in light of all the facts and circumstances known to the defendant at that time. The defendant has the burden of establishing the affirmative defense by a preponderance of the evidence. As used in this subsection, "domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(11) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(12) As used in this section, "prior conviction" means a violation of this section or a violation of a law of another state substantially corresponding to this section.

## Minnesota

### **Minn. Stat. Ann. §169A.03. Definitions (2000 as amended 2024).**

.....

Subd. 3. Aggravating factor. "Aggravating factor" includes:

- (1) a qualified prior impaired driving incident within the ten years immediately preceding the current offense;
- (2) having an alcohol concentration of 0.16 or more as measured at the time, or within two hours of the time, of the offense; or
- (3) having a child under the age of 16 in the motor vehicle at the time of the offense if the child is more than 36 months younger than the offender.

.....



## **Minn. Stat. Ann. §169A.25. Second-degree driving while impaired (2000 as amended 2023).**

Subdivision 1. Degree described.

(a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of second-degree driving while impaired if one aggravating factor was present when the violation was committed.

Subd. 2. Criminal penalty. Second-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

## **Minn. Stat. Ann. §169A.26. Third-degree driving while impaired (2000 as amended 2023).**

Subdivision 1. Degree described.

(a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of third-degree driving while impaired if one aggravating factor was present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of third-degree driving while impaired.

Subd. 2. Criminal penalty. Third-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

## **Minn. Stat. Ann. §609.378. Neglect or endangerment of a child (1983 as amended 2023).**

Subdivision 1. Persons guilty of neglect or endangerment.

(a) (1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is likely to substantially harm the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both. If the deprivation results

in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.

.....

(b) A parent, legal guardian, or caretaker who endangers the child's person or health by:

(1) intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or

....

If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).

(c) A person who intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child's physical health or cause the child's death as a result of the child's access to a loaded firearm is guilty of child endangerment and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both.

If the endangerment results in substantial harm to the child's physical health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

.....

## Mississippi

### **Miss. Code Ann. §63-11-30. Operation under influence of alcohol or other impairing substance (1981 as amended 2024).**

(1) It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person:

(a) Is under the influence of intoxicating liquor;



(b) Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle;

(c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or

(d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:

(i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;

(ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or

(iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.

....

(12) *DUI child endangerment.* A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:

(a) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$ 1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;

(b) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$ 1,000.00) nor more than Five Thousand Dollars (\$ 5,000.00) or shall be imprisoned for one (1) year, or both;

(c) A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$ 10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and

(d) A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether the offense was a first, second, third or subsequent offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$ 10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.

....

**Miss. Code Ann. §97-3-7. Simple and aggravated assault; simple and aggravated domestic violence (1974 as amended 2019).**

(1) (a) A person is guilty of simple assault if he or she

(i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars (\$ 500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) However, a person convicted of simple assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than One Thousand Dollars (\$ 1,000.00) or by imprisonment for not more than five (5) years, or both.

(2) (a) A person is guilty of aggravated assault if he or she (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or sentenced to the custody of the Department of Corrections for not more than twenty (20) years.

(b) However, a person convicted of aggravated assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than Five Thousand Dollars (\$ 5,000.00) or by imprisonment for not more than thirty (30) years, or both.

(3) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a

person is guilty of simple domestic violence who:

- (i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;
- (ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Attempts by physical menace to put another in fear of imminent serious bodily harm.

Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$ 500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) *Simple domestic violence: third.* A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.

(4) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:

- (i) Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
- (ii) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Strangles, or attempts to strangle another.

Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.

.....

## Missouri



**Mo. Rev. Stat. §577.010. Driving while intoxicated—sentencing restrictions (1977 as amended 2017).**

1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor [punished by a term not to exceed one year, Mo. Rev. Stat. §558.011] if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle; . . . .

**Mo. Rev. Stat. §577.001. Chapter definitions (1982 as amended 2020).**

....

(13) “Intoxicated” or “intoxicated condition”, when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

.....

**Mo. Rev. Stat. §568.045. Endangering the welfare of a child in the first degree; penalties (1990 as amended 2025).**

1. A person commits the crime of endangering the welfare of a child in the first degree if he or she:

(1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age;

.....

2. The offense of endangering the welfare of a child in the first degree is a class D felony [punished by a term of year not to exceed 7 years, Mo. Rev. Stat. §558.011] unless the offense:

(1) Is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is a second or subsequent offense under this section, in which case the offense is a class C felony;

(2) Involves fentanyl or carfentanil, or any analogue thereof, in which case:

(a) The offense is a class B felony; and





(b) A person sentenced under this subdivision shall not be eligible for conditional release or parole until he or she has served at least five years of imprisonment;

(3) Results in serious physical injury to the child, in which case the offense is a class B felony; or

(4) Results in the death of a child, in which case the offense is a class A felony.

**Mo. Rev. Stat. §568.050. Endangering the welfare of a child in the second degree, penalty (1977 as amended 2017).**

1. A person commits the crime of endangering the welfare of a child in the second degree if he or she:

(1) With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years of age;

....

3. The offense of endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the offense is a class E felony [which carries a penalty of imprisonment not to exceed four years, Mo. Rev. Stat. § 558.011(1)(5)].

## **Montana**

**Mont. Code Ann. §61-8-1007. Penalty for driving under influence --first through third offenses (2021).**

(1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of 61-8-1002(1)(a) shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000;

(ii) for a second violation, by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than \$2,400 or more than \$4,000; or



(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.

....

(2)(a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of 61-8-1002(1)(b), (1)(c), or (1)(d) shall be punished as follows:

(i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than \$1,200 or more than \$2,000;

(ii) for a second violation, by imprisonment for not less than 5 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days or more than 1 year and by a fine of not less than \$2,400 or more than \$4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.

.....

### **Mont. Code Ann. §45-5-622. Endangering welfare of children (1973 as amended 2023).**

(1) (a) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(b) A parent or guardian of a child does not violate a duty of care, protection, or support by permitting the child to engage in independent activities consistent with the child's intellectual, emotional, and physical maturity, including:

(i) traveling to and from school by walking, running, bicycling, public transit, or other means;

(ii) traveling to and from nearby commercial or recreational facilities;



(iii) engaging in outdoor play;

(iv) remaining for less than 15 minutes in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold;

(v) remaining at home if the parent or guardian:

(A) returns home the same day on which the parent or guardian gives the child permission to remain at home;

(B) makes provisions for the child to contact the parent or guardian; and

(C) makes provisions for any reasonably foreseeable emergency.

(2) Except as provided in 16-6-305 [Age limit for sale or provision of alcoholic beverages—liability of provided], a parent or guardian or any person who is 18 years of age or older, whether or not the parent, guardian, or other person is supervising the welfare of the child, commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly contributes to the delinquency of a child less than:

(a) 18 years old by:

(i) supplying or encouraging the use of an intoxicating substance by the child;

.....

(5) (a) Except as provided in subsection (5)(b), a person convicted of endangering the welfare of children shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of endangering the welfare of children shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. . . .

(6) On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

(7) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering the welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered.

### **Mont. Code Ann. §45-5-207. Criminal endangerment—penalty (1987 as amended 2021).**

(1) A person who knowingly engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of criminal endangerment. This conduct includes



but is not limited to knowingly placing in a tree, log, or any other wood any steel, iron, ceramic, or other substance for the purpose of damaging a saw or other wood harvesting, processing, or manufacturing equipment.

(2) A high blood alcohol concentration, alone is not sufficient to support a criminal endangerment charge.

(3) A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed \$50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

(4) As used in this section, “alcohol concentration” has the meaning provided in 61-8-1001.

### **Mont. Code Ann. §45-5-208. Negligent endangerment—Penalty (1987).**

(1) A person who negligently engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of negligent endangerment.

(2) A person convicted of the offense of negligent endangerment shall be fined an amount not to exceed \$1,000 or imprisoned in the county jail for a term not to exceed 1 year, or both.

## **Nebraska**

### **Neb. Rev. Stat. Ann. §28-1254. Motor vehicle operation with person under age of sixteen years; prohibited acts; violation; penalty (2011).**

(1) It shall be unlawful for any person to operate or be in the actual physical control of a motor vehicle with a person under the age of sixteen years as a passenger:

(a) While the person operating or in the actual physical control of the motor vehicle is under the influence of alcoholic liquor or any drug;

(b) When the person operating or in the actual physical control of the motor vehicle has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood;

(c) When the person operating or in the actual physical control of the motor vehicle has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath; or

(d) If the person operating or in the actual physical control of the motor vehicle refuses to submit to a chemical test or tests when directed to do so by a peace officer pursuant to section 60-6,197 [Driving under the influence of alcoholic liquor or drugs; implied consent to submit to chemical test; when test administered; refusal; advisement; effect; violation; penalty].



(2) A violation of this section shall be a Class I misdemeanor [punishable by not more than one year imprisonment, or one thousand dollars fine, or both, Neb. Rev. Stat. § 28-106].

(3) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

**Neb. Rev. Stat. Ann. §28-707. Child abuse; privileges not available; penalties (1977 as amended 2019).**

(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

(a) Placed in a situation that endangers his or her life or physical or mental health;  
.....

(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(3) Child abuse is a Class I misdemeanor if the offense is committed negligently and does not result in serious bodily injury as defined in section 28-109 or death. [The Class I misdemeanor penalty range is not more than one year imprisonment, or one thousand dollars fine, or both. Neb. Rev. Stat. Ann. § 28-106.]

(4) Child abuse is a Class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109 or death. [The Class IIIA felony penalty range is maximum 3 years imprisonment and 18 months post-release supervision or \$25,000 fine or both and no minimum imprisonment and 18 months post-release supervision if imprisonment is imposed. Neb. Rev. Stat. Ann. § 28-105.]

(5) Child abuse is a Class IIIA felony if the offense is committed negligently and results in serious bodily injury as defined in section 28-109. [The Class IIIA felony penalty range is maximum 3 years imprisonment and 18 months post-release supervision or \$25,000 fine or both and no minimum imprisonment and 18 months post-release supervision if imprisonment is imposed. Neb. Rev. Stat. Ann. § 28-105.]

(6) Child abuse is a Class IIA felony if the offense is committed negligently and results in the death of such child. [The Class IIA felony penalty range is up to 20 years imprisonment. Neb. Rev. Stat. Ann. § 28-105.]

(7) Child abuse is a Class II felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section. [The Class II felony penalty range is one to 50 years imprisonment. Neb. Rev. Stat. Ann. § 28-105.]

(8) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child. [The Class IB felony penalty range is 20 years to life imprisonment. Neb. Rev. Stat. Ann. § 28-105.]

(9) For purposes of this section, negligently refers to criminal negligence and means that a person knew or should have known of the danger involved and acted recklessly, as defined in section 28-109, with respect to the safety or health of the minor child.

## Nevada

### **Nev. Rev. Stat. Ann. §484C.400. Penalties for first, second and third offenses; segregation of offender; intermittent confinement; consecutive sentences; aggravating factor (1983 as amended 2023).**

1. Unless a greater penalty is provided pursuant to NRS 484C.430 [Penalty if death or substantial bodily harm results] or 484C.440 [Penalties for vehicular homicide], and except as otherwise provided in NRS 484C.410 [Penalties when Offender Previously Convicted of Certain Felonious Conduct or Homicide], a person who violates the provisions of NRS 484C.110 [Unlawful acts; affirmative defense; additional penalty for violation committed in work zone or pedestrian safety zone] or 484C.120 [Unlawful acts relating to operation of commercial motor vehicle; affirmative defense; additional penalty for violation committed in work zone or pedestrian safety zone]:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and other substance use disorders approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320 [Application by First-Time Offender to Undergo Program of Treatment], sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

....



5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

.....

**Nev. Rev. Stat. Ann. §200.508. Abuse, neglect or endangerment of child: Penalties; definitions (1971 as amended 2015).**

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

.....

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child pursuant to NRS 432B.130 [Persons responsible for child's welfare] and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

....





(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor [punishable by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty, Nev. Rev. Stat § 193.140]; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130 [Imprisonment in the state prison for a not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.],

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

....

4. As used in this section:

(a) “Abuse or neglect” means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070 [“Mental injury” defined], 432B.100 [Sexual abuse defined], 432B.110 [Sexual exploitation defined], 432B.140 [Negligent treatment or maltreatment] and 432B.150 [Excessive corporal punishment may constitute abuse or neglect], under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) “Allow” means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) “Permit” means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) “Physical injury” means:

(1) Permanent or temporary disfigurement; or



(2) Impairment of any bodily function or organ of the body.

(e) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

## New Hampshire

### **N.H. Rev. Stat. Ann. §265-A:3. Aggravated Driving While Intoxicated (2006 as amended 2021).**

A person shall be guilty of aggravated driving while intoxicated if the person drives, operates, or attempts to operate an OHRV, or if the person drives or attempts to drive a vehicle upon any way, or if the person operates or attempts to operate a boat:

I. While under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drug or drugs, prescription drug or drugs, over-the-counter drug or drugs, or any other chemical substance or substances, natural or synthetic, which impair a person's ability to drive and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lamps while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued;

***(d) Carries as a passenger a person under the age of 16; or***

(e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more; or

II. While having an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 at the time of the offense, 0.02 or more and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;



(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lights while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued;

*(d) Carries as a passenger a person under the age of 16; or*

(e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more; or

III. While having an alcohol concentration of 0.16 or more.

### **N.H. Rev. Stat. Ann. §265-A:18. Penalties for Intoxication or Under Influence of Drugs Offenses (2006 as amended 2025).**

I. Except as otherwise provided in this section:

....

(b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3, except as provided in subparagraph (c), shall be:

(1) Guilty of a class A misdemeanor;

(2) Fined not less than \$750;

(3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

(5) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the service plan, the court may suspend up to 6 months of this sentence, with the condition that an interlock device be installed for

the period of the suspended sentence in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate; and

.....

VIII. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has completed an IDCMP screening within 14 days of conviction, and if testing demonstrates the likelihood of a substance use disorder, the person shall schedule a substance use disorder evaluation within 30 days of conviction or within 30 days of release from the correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release from the correctional facility, comply with the service plan developed from the substance abuse disorder evaluation by the IDCMP, and complete a department of health and human services approved impaired driver education program prior to the restoration of the person's driver's license or privilege to drive.

....

### **N.H. Rev. Stat. Ann. § 639:3. Endangering Welfare of Child or Incompetent (1971 as amended 2016).**

I. A person is guilty of endangering the welfare of a child or incompetent if he knowingly endangers the welfare of a child under 18 years of age or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.

....

V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class B felony. All other violations of this section are misdemeanors. [Class B felonies are punishable by imprisonment in excess of 1 year but not in excess of 7 years; Misdemeanors are punishable by up to 1 year imprisonment, N.H. Rev. Stat. Ann. § 625:9].

....

### **N.H. Rev. Stat. Ann. §631:3. Reckless Conduct (1971 as amended 2021).**

I. A person is guilty of reckless conduct if he recklessly engages in conduct which places or may place another in danger of serious bodily injury.

II. Reckless conduct is a class B felony if the person uses a deadly weapon as defined in RSA 625:11, V. All other reckless conduct is a misdemeanor. [Class B felonies are punishable by

imprisonment in excess of 1 year but not in excess of 7 years; Misdemeanors are punishable by up to 1 year imprisonment, N.H. Rev. Stat. Ann. § 625:9].

III. A person convicted of a class B felony offense under this section shall not be subject to the provisions of RSA 651:2, II-g. [Class B felonies are punishable by imprisonment in excess of 1 year but not in excess of 7 years. N.H. Rev. Stat. Ann. § 625:9].

....

## **New Jersey**

### **N.J. Rev. Stat. §39:4-50.15. Additional definitions (1999 as amended 2004).**

1. a. As used in this act:

“Minor” means a person who is 17 years of age or younger.

“Parent or guardian” means any natural parent, adoptive parent, resource family parent, stepparent, or any person temporarily responsible for the care, custody or control of a minor or upon whom there is a legal duty for such care, custody or control.

b. A parent or guardian who is convicted of a violation of R.S.39:4-50 [Driving while intoxicated] and who, at the time of the violation, has a minor as a passenger in the motor vehicle is guilty of a disorderly persons offense. [The penalty for a disorderly persons offense is imprisonment up to 6 months. N.J. Rev. Stat. § 2C:43-8.]

c. In addition to the penalties otherwise prescribed by law, a person who is convicted under subsection b. of this section shall forfeit the right to operate a motor vehicle over the highways of this State for a period of not more than six months and shall be ordered to perform community service for a period of not more than five days.

## **New Mexico**

### **N.M. Stat. Ann. §66-8-102.5. Driving while intoxicated with a minor in the vehicle; penalty (2019).**

A. Driving while intoxicated with a minor in the vehicle consists of a person committing a violation of Section 66-8-102 NMSA 1978 [Driving under the influence of intoxicating liquor or drugs; aggravated driving under the influence of intoxicating liquor or drugs; penalties] when a minor is in the vehicle and when the minor does not suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the vehicle is guilty of a misdemeanor [Punishable by imprisonment in the county jail for a definite term less than one year or to the payment of a fine of not more than \$1,000 or both, N.M. Stat. Ann. §31-19-1].

B. A charge for a violation of Subsection A of this section shall be in addition to a charge for the violation of Section 66-8-102 NMSA 1978 and shall be punished as a separate offense.



C. As used in this section, “minor” means an individual who is younger than thirteen years of age.

**N.M. Stat. Ann. §30-6-1. Abandonment or abuse of a child (1973 as amended 2009).**

A. As used in this section:

(1) “child” means a person who is less than eighteen years of age;

(2) “neglect” means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and

(3) “negligently” refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. A person who commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case the person is guilty of a second degree felony.

.....

D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

(1) placed in a situation that may endanger the child's life or health;

(2) tortured, cruelly confined or cruelly punished; or

(3) exposed to the inclemency of the weather.

E. A person who commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony [basic sentence of three years imprisonment, N.M. Stat. Ann. § 31-18-15] and for second and subsequent offenses is guilty of a second degree felony [basic sentence of nine years imprisonment, N.M. Stat. Ann. § 31-18-15]. If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony [basic sentence of eighteen years imprisonment, N.M. Stat. Ann. § 31-18-15].

F. A person who commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.

G. A person who commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.

H. A person who commits intentional abuse of a child less than twelve years of age that results in the death of the child is guilty of a first degree felony resulting in the death of a child [life imprisonment, N.M. Stat. Ann. § 31-18-15].

.....

## New York

### **N.Y. Veh. & Traf. §1192. Operating a motor vehicle while under the influence of alcohol or drugs (1988 as amended 2009).**

....

2. Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.

2-a. Aggravated driving while intoxicated. (a) Per se. No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva made pursuant to the provisions of section eleven hundred ninety-four of this article.

***(b) With a child. No person shall operate a motor vehicle in violation of subdivision two, three, four or four-a of this section while a child who is fifteen years of age or less is a passenger in such motor vehicle.***

3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.

4. Driving while ability impaired by drugs. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.

4-a. Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs.

.....

12. Driving while intoxicated or while ability impaired by drugs--serious physical injury or death or child in the vehicle.

(a) In every case where a person is charged with a violation of subdivision two, two-a, three, four or four-a of this section, the law enforcement officer alleging such charge shall make a



clear notation in the “Description of Violation” section of a simplified traffic information (i) if, arising out of the same incident, someone other than the person charged was killed or suffered serious physical injury as defined in section 10.00 of the penal law; such notation shall be in the form of a “D” if someone other than the person charged was killed and such notation shall be in the form of a “S.P.I.” if someone other than the person charged suffered serious physical injury; and (ii) if a child aged fifteen years or less was present in the vehicle of the person charged with a violation of subdivision two, two-a, three, four or four-a of this section; such notation shall be in the form of “C.I.V.”. Provided, however, that the failure to make such notations shall in no way affect a charge for a violation of subdivision two, two-a, three, four or four-a of this section.

(b) Where a law enforcement officer alleges a violation of paragraph (b) of subdivision two-a of this section and the operator of the vehicle is a parent, guardian, or custodian of, or other person legally responsible for, a child aged fifteen years or less who is a passenger in such vehicle, then the officer shall report or cause a report to be made, if applicable, in accordance with title six of article six of the social services law.

## **N.Y. Veh. & Traf. §1193. Sanctions (1988 as amended 2014).**

### **1. Criminal penalties.**

....

(b) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; misdemeanor offenses.

(i) . . . A violation of paragraph (a) of subdivision two-a of section eleven hundred ninety-two of this article shall be a misdemeanor and shall be punishable by a fine of not less than one thousand dollars nor more than two thousand five hundred dollars or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment.

(ii) In addition to the imposition of any fine or period of imprisonment set forth in this paragraph, the court shall also sentence such person convicted of, or adjudicated a youthful offender for, a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article to a term of probation or conditional discharge, as a condition of which it shall order such person to install and maintain, in accordance with the provisions of section eleven hundred ninety-eight of this article, an ignition interlock device in any motor vehicle owned or operated by such person during the term of such probation or conditional discharge imposed for such violation of section eleven hundred ninety-two of this article and in no event for a period of less than twelve months; provided, however, that such period of interlock restriction shall terminate upon submission of proof that such person installed and maintained an ignition interlock device for at least six months, unless the court ordered such person to install and maintain an ignition interlock device for a longer period as authorized by this subparagraph and specified in such order. The period of interlock restriction shall commence from the



earlier of the date of sentencing, or the date that an ignition interlock device was installed in advance of sentencing. Provided, however, the court may not authorize the operation of a motor vehicle by any person whose license or privilege to operate a motor vehicle has been revoked pursuant to the provisions of this section.

(c) Felony offenses.

(i) A person who operates a vehicle

(A) in violation of subdivision two, two-a, three, four or four-a of section eleven hundred ninety-two of this article after having been convicted of a violation of subdivision two, two-a, three, four or four-a of such section or of vehicular assault in the second or first degree, as defined, respectively, in sections 120.03 and 120.04 and aggravated vehicular assault as defined in section 120.04-a of the penal law or of vehicular manslaughter in the second or first degree, as defined, respectively, in sections 125.12 and 125.13 and aggravated vehicular homicide as defined in section 125.14 of such law, within the preceding ten years, or

(B) in violation of paragraph (b) of subdivision two-a of section eleven hundred ninety-two of this article shall be guilty of a class E felony [one to four years imprisonment, N.Y. Penal Law § 70], and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

(ii) A person who operates a vehicle in violation of subdivision two, two-a, three, four or four-a of section eleven hundred ninety-two of this article after having been convicted of a violation of subdivision two, two-a, three, four or four-a of such section or of vehicular assault in the second or first degree, as defined, respectively, in sections 120.03 and 120.04 and aggravated vehicular assault as defined in section 120.04-a of the penal law or of vehicular manslaughter in the second or first degree, as defined, respectively, in sections 125.12 and 125.13 and aggravated vehicular homicide as defined in section 125.14 of such law, twice within the preceding ten years, shall be guilty of a class D felony, and shall be punished by a fine of not less than two thousand dollars nor more than ten thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

.....

**N.Y. Penal Law §260.10. Endangering the welfare of a child (1965 as amended 2010).**

A person is guilty of endangering the welfare of a child when:

1. He or she knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his or her life or health; or





2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming an “abused child,” a “neglected child,” a “juvenile delinquent” or a “person in need of supervision,” as those terms are defined in articles ten, three and seven of the family court act.

....

Endangering the welfare of a child is a class A misdemeanor. [The penalty for a Class A misdemeanor is imprisonment that shall not exceed one year, N.Y. Penal Law § 70.15, or a fine that shall not exceed one thousand dollars. N.Y. Penal Law § 80.05.]

## North Carolina

### **N.C. Gen. Stat. §20-179. Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments (1947 as amended 2023).**

(a) Sentencing Hearing Required.--After a conviction under G.S. 20-138.1 [Impaired driving], G.S. 20-138.2 [Impaired driving in a commercial vehicle], a second or subsequent conviction under G.S. 20-138.2A [Operating a commercial vehicle after consuming alcohol], or a second or subsequent conviction under G.S. 20-138.2B [Operating a school bus...after consuming alcohol], or when any of those offenses are remanded back to district court after an appeal to superior court, the judge shall hold a sentencing hearing to determine whether there are aggravating or mitigating factors that affect the sentence to be imposed. The following apply:

(1) The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate. The State bears the burden of proving beyond a reasonable doubt that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.

....

(c) Determining Existence of Grossly Aggravating Factors. -- At the sentencing hearing, based upon the evidence presented at trial and in the hearing, the judge, or the jury in superior court, must first determine whether there are any grossly aggravating factors in the case. . . The judge must impose the Aggravated Level One punishment under subsection (f3) of this section if it is determined that three or more grossly aggravating factors apply. ***The judge must impose the Level One punishment under subsection (g) of this section if it is determined that the grossly aggravating factor in subdivision (4) of this subsection applies or two of the other grossly aggravating factors apply.*** If the judge does not find that the aggravating factor at subdivision (4) of this subsection applies, then the judge must impose the Level Two punishment under subsection (h) of this section if it is determined that only one of the other grossly aggravating factors applies. The grossly aggravating factors are:

.....



***(4) Driving by the defendant while (i) a child under the age of 18 years, (ii) a person with the mental development of a child under the age of 18 years, or (iii) a person with a physical disability preventing unaided exit from the vehicle was in the vehicle at the time of the offense.***

In imposing an Aggravated Level One, a Level One, or a Level Two punishment, the judge may consider the aggravating and mitigating factors in subsections (d) and (e) in determining the appropriate sentence. If there are no grossly aggravating factors in the case, the judge must weigh all aggravating and mitigating factors and impose punishment as required by subsection (f) of this section.

.....

(g) Level One Punishment.--A defendant subject to Level One punishment may be fined up to four thousand dollars (\$4,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 days. A judge may reduce the minimum term of imprisonment required to a term of not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, for a period of not less than 120 days. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to 60 days of pretrial monitoring may be credited against the 120-day monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

....

#### **N.C. Gen. Stat. § 14-318.2. Child abuse a misdemeanor (1965 as amended 2025).**

(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the Class A1 misdemeanor of child abuse. [A Class A1 misdemeanor carries a penalty of 1-60 days imprisonment or a fine in the court's discretion. N.C. Gen. Stat. § 15A-1340.23.]

(b) The Class A1 misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

.....

#### **N.C. Gen. Stat. §14-318.4. Child abuse a felony (1979 as amended 2025).**



(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class D felony, except as otherwise provided in subsection (a3) of this section.

....

(a3) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious bodily injury to the child or who intentionally commits an assault upon the child which results in any serious bodily injury to the child, or which results in permanent or protracted loss or impairment of any mental or emotional function of the child, is guilty of a Class B2 felony.

(a4) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class E felony if the act or omission results in serious bodily injury to the child.

(a5) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class G felony if the act or omission results in serious physical injury to the child.

(a6) For purposes of this section, a “grossly negligent omission” in providing care to or supervision of a child includes the failure to report a child as missing to law enforcement as provided in G.S. 14-318.5(b).

.....

(b) The felony of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

.....

(d) The following definitions apply in this section:

(1) Serious bodily injury.--Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

(2) Serious physical injury.--Physical injury that causes great pain and suffering. The term includes serious mental injury.

## North Dakota



## **N.D. Cent. Code §39-08-01.4. Driving while under the influence of alcohol while being accompanied by a minor – Penalty (1995 as amended 2025).**

It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 [Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle—Penalty] *if the violation occurred while a minor was accompanying the individual in a motor vehicle.* [Maximum penalty for Class A misdemeanor is one year imprisonment, a fine of three thousand dollars, or both. N.D. Cent. Code § 12.1-32-01.] If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony [Maximum penalty for Class C felony is imprisonment for five years, a fine of ten thousand dollars, or both. N.D. Cent. Code § 12.1-32-01.] An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.

## **N.D. Cent. Code §12.1-17-01.1. Assault (1985 as amended 1999).**

A person is guilty of a class A misdemeanor [Maximum penalty for Class A misdemeanor is 360 days imprisonment, a fine of three thousand dollars, or both. N.D. Cent. Code § 12.1-32-01.], except if the victim is under the age of twelve years in which case the offense is a class C felony [Maximum penalty for Class C felony is 5 years' imprisonment, a fine of \$10,000, or both. N.D. Cent. Code § 12.1-32-01], if that person:

1. Willfully causes substantial bodily injury to another human being; or
2. Negligently causes substantial bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

## **N.D. Cent. Code §12.1-17-03. Reckless Endangerment (1973 as amended 2025).**

A person is guilty of an offense if he creates a substantial risk of serious bodily injury or death to another. The offense is a class C felony if the circumstances manifest his extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is a risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized. [Maximum penalty for class C felony is 5 years' imprisonment, a fine of \$10,000, or both. N.D. Cent. Code § 12.1-32-01. Max penalty for class A misdemeanor is 360 days' imprisonment, a fine of \$3,000, or both. N.D. Cent. Code § 12.1-32-01.]

## **Ohio**

## **Ohio Rev. Code Ann. §2919.22. Endangering children (1972 as amended 2022).**



(A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. . . .

(C) (1) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code [Driving while under the influence of alcohol or drugs; tests; presumptions; penalties; immunity for those withdrawing blood] when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

.....

(E) (1) Whoever violates this section is guilty of endangering children.

.....

(5) If the offender violates division (C) of this section, the offender shall be punished as follows:

(a) Except as otherwise provided in division (E)(5)(b) or (c) of this section, endangering children in violation of division (C) of this section is a misdemeanor of the first degree [which carries not more than 180 days imprisonment, Ohio Rev. Code Ann. § 2929.24].

(b) If the violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under this section or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(5)(c) of this section, endangering children in violation of division (C) of this section is a felony of the fifth degree. [For a felony of the fifth degree, the prison term shall be 6, 7, 8, 9, 10, 11 or 12 months. Ohio Rev. Code Ann. § 2929.14.].

(c) If the violation results in serious physical harm to the child involved and if the offender previously has been convicted of a violation of division (C) of this section, section 2903.06 or 2903.08 of the Revised Code, section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony of the fourth degree. [For a felony of the fourth degree, the prison term shall be 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months. Ohio Rev. Code Ann. § 2929.14.]



(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (E)(5)(a), (b), or (c) of this section or pursuant to any other provision of law and in addition to any suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

(e) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction imposed upon the offender pursuant to division (E)(5)(a), (b), (c), or (d) of this section or pursuant to any other provision of law for the violation of division (C) of this section, if as part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the offender also shall be sentenced in accordance with section 4511.19 of the Revised Code for that violation of division (A) of section 4511.19 of the Revised Code.

....

## Oklahoma

### **Okla. Stat. tit. 47 §11-902. Persons under the influence of alcohol or other intoxicating substance or combination thereof--Penalty—Enhancement (1961 as amended 2025).**

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;
2. Is under the influence of alcohol;
3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;
4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or



5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

....

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,

b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and

c. be fined not more than One Thousand Dollars (\$1,000.00).

.....

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

.....

**Okla. Stat. tit. 47 §11-904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance--Causing great bodily injury (1983 as amended 2016).**

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 [Persons under the influence of alcohol or other intoxicating substance or combination thereof--Penalty—Enhancement] of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$ 2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$ 5,000.00).





B 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 [Persons under the influence of alcohol or other intoxicating substance] of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years and not more than twenty (20) years, and a fine of not more than Five Thousand Dollars (\$ 5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

**Okla. Stat. tit. 21 §852.1. Child endangerment--Knowingly permitting physical or sexual abuse--Good faith reliance on spiritual healing—Penalties (1990 as amended 2011).**

A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, commits child endangerment when the person:

....

***3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or***

***4. Is the driver, operator, or person in physical control of a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes while transporting or having in the vehicle such child or children.***

However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the physical or sexual abuse or deny permission for the child to be in the vehicle with an intoxicated person would result in substantial bodily harm to the person or the child.

Nothing in this subsection shall prohibit the prosecution of a person pursuant to the provisions of Section 11-902 or 11-904 of Title 47 of the Oklahoma Statutes.

.....

C. Any person convicted of violating any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

## **Oregon**





## **Or. Rev. Stat. §813.010. Driving under the influence of intoxicants; penalties (1983 as amended 2023).**

(1) A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person:

(a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

(b) Is under the influence of an intoxicant or a combination of intoxicants; or

(c) Within two hours after driving a vehicle, and without consuming alcohol in the intervening time period, has 0.08 percent or more by weight of alcohol in the blood of the person, as shown by chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150.

(4) Except as provided in subsection (5) of this section, the offense described in this section, driving while under the influence of intoxicants, is a Class A misdemeanor [Maximum penalty is 364 days, ORS § 161.615] and is applicable upon any premises open to the public.

....

(7) Notwithstanding ORS 161.635 [Misdemeanor; fines], \$10,000 is the maximum fine that a court may impose on a person convicted of driving while under the influence of intoxicants if:

(a) The current offense was committed in a motor vehicle; and

(b) There was a passenger in the motor vehicle who was under 18 years of age and was at least three years younger than the person driving the motor vehicle.

.....

## **Or. Rev. Stat. §163.195. Recklessly endangering another person (1971).**

(1) A person commits the crime of recklessly endangering another person if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

(2) Recklessly endangering another person is a Class A misdemeanor. [Maximum penalty for Class A misdemeanor is 364 days. Or. Rev. Stat. § 161.615. Maximum fine for Class A misdemeanor is \$6,250. Or. Rev. Stat. § 161.635.]

## **Pennsylvania**

### **75 Pa. Cons. Stat. Ann. §3803. Grading (2003 as amended 2022).**

(a) Basic offenses.--Except as provided in subsection (b):



(1) An individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) and has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804 (relating to penalties).

.....

(b) Other offenses--

.....

(5) An individual who violates section 3802 where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits:

(i) A misdemeanor of the first degree if the individual has no more than one prior offense.

(ii) A felony of the third degree if the individual has two or more prior offenses.

### **75 Pa. Cons. Stat. Ann. §3804. Penalties (2003 as amended 2022).**

(a) General impairment.—Except as set forth in subsection (b) or (c), an individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) shall be sentenced as follows:

(1) For a first offense, to:

(i) undergo a mandatory minimum term of six months' probation;

(ii) pay a fine of \$300;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing).

....

(c.1) Violation involving minor occupant.--An individual who violates section 3803(b)(5) (relating to grading), in addition to any penalty imposed in this chapter, shall be sentenced as follows:

(1) For a first offense, to:

(i) pay a fine of not less than \$1,000; and

(ii) complete 100 hours of community service.

(2) For a second offense, to:

(i) pay a fine of not less than \$2,500; and

(ii) undergo imprisonment of not less than one month nor more than six months.

(3) For a third or subsequent offense, undergo imprisonment of not less than six months nor more than two years.

.....

**18 Pa. Cons. Stat. Ann. § 4304. Endangering welfare of children (1972 as amended 2017).**

(a) Offense defined.--

(1) A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.

(2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).

(3) As used in this subsection, the term “person supervising the welfare of a child” means a person other than a parent or guardian that provides care, education, training or control of a child.

(b) Grading.—

(1) Except as provided under paragraph (2), the following apply:

(i) An offense under this section constitutes a misdemeanor of the first degree [punishable by term of imprisonment not more than 5 years. 18 Pa.C.S.A. §106.].

(ii) If the actor engaged in a course of conduct of endangering the welfare of a child, the offense constitutes a felony of the third degree [punishable by term of imprisonment not more than 7 years. 18 Pa.C.S.A. §106.].

(iii) If, in the commission of the offense under subsection (a)(1), the actor created a substantial risk of death or serious bodily injury, the offense constitutes a felony of the third degree [punishable by term of imprisonment not more than 7 years. 18 Pa.C.S.A. §106.].

(iv) If the actor's conduct under subsection (a)(1) created a substantial risk of death or serious bodily injury and was part of a course of conduct, the offense constitutes a felony

of the second degree [punishable by term of imprisonment not more than 10 years. 18 Pa.C.S.A. §106.].

(2) The grading of an offense under this section shall be increased one grade if, at the time of the commission of the offense, the child was under six years of age.

(c) Counseling.--A court shall consider ordering an individual convicted of an offense under this section to undergo counseling.

## Rhode Island

### **R.I. Gen. Laws §31-27-2. Driving under influence of liquor or drugs (1950 as amended 2025).**

(a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in subsection (d)(3), and shall be punished as provided in subsection (d) of this section.

.....

(d) (5) . . . (ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, *while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle* when the offense was committed shall be subject to immediate license suspension pending prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than one year and a fine not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing judge shall also order a license suspension of up to two (2) years, require attendance at a special course on driving while intoxicated or under the influence of a controlled substance, and alcohol or drug education and/or treatment. The individual may also be required to pay a highway assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited in the general fund

.....

### **R.I. Gen. Laws §11-5-2.2. Battery – Criminal negligence (2004).**

(a) When serious bodily injury, as defined in § 11-5-2 [(c) “Serious bodily injury” means physical injury that: (1) Creates a substantial risk of death; (2) Causes protracted loss or impairment of the function of any bodily part, member, or organ; . . .or (4) Results in the termination of a pregnancy where the person making the assault or battery is someone other than the pregnant person and knows or has reason to know that the person upon whom the assault or battery is made is pregnant.], of any person, occurs as a proximate result of criminal negligence, the person committing the criminal negligence shall be guilty of battery and shall be deemed to



have committed a felony and shall be imprisoned not exceeding ten (10) years or fined not exceeding ten thousand dollars (\$10,000), or both.

(b) For the purposes of this section: (i) "Criminal negligence" shall mean: Conduct which is such a departure from what would be that of an ordinary prudent or careful person in the same circumstance as to be incompatible with a proper regard for human life or an indifference to consequences. Criminal negligence is negligence that is aggravated, culpable or gross; (ii) "Person" shall mean an individual or any business entity recognized by the laws of the state of Rhode Island including, but not limited to, corporations, limited liability corporations, partnerships or limited liability partnerships.

## South Carolina

### **S.C. Code Ann. §56-5-2947. Child endangerment; definition; penalties; jurisdiction; evidence for taking child into protective custody (1995 as amended 2014).**

(A) A person eighteen years of age or over is guilty of child endangerment when:

(1) the person violates:

(a) Section 56-5-750 [Failure to stop motor vehicle when signaled by law-enforcement vehicle];

(b) Section 56-5-2930 [Operating motor vehicle while under influence of alcohol or drugs; penalties; enrollment in Alcohol and Drug Safety Action Program; prosecution];

(c) Section 56-5-2933 [Driving with an unlawful alcohol concentration; penalties; enrollment in Alcohol and Drug Safety Action Program; prosecution]; or

(d) Section 56-5-2945 [Offense of felony driving under the influence; penalties; "great bodily injury" defined]; and

(2) *the person has one or more passengers younger than sixteen years of age in the motor vehicle* when the violation occurs.

If more than one passenger younger than sixteen years of age is in the vehicle when a violation occurs, the person may be charged with only one violation of this section.

(B) Upon conviction the person must be:

(1) fined not more than one-half of the maximum fine allowed for committing the violation enumerated in subsection (A)(1), when the person is fined for that offense;



(2) imprisoned not more than one-half of the maximum term of imprisonment allowed for committing the violation enumerated in subsection (A)(1), when the person is imprisoned for the offense; or

(3) fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed under subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles shall suspend the person's driver's license for sixty days upon conviction under subsection (A)(1)(a). Upon conviction under subsection (A)(1)(b) through (d), the Department of Motor Vehicles shall suspend the person's driver's license.

(2) Upon conviction under subsection (A)(1)(b) through (d), the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56-1-1320 and 56-5-2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ignition interlock restricted license period is completed.

(E) A person may be convicted under this section for child endangerment in addition to being convicted for an offense listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63-7-620(A) and 63-7-660.

## **South Dakota**

### **S.D. Codified Laws §22-18-36. Vehicular battery (1993 as amended 2009).**

Any person who, while under the influence of alcohol, drugs, or substances in a manner and to a degree prohibited by § 32-23-1 [Driving or control of vehicle prohibited with alcohol in blood or while under influence of alcohol, drug, or intoxicant], without design to effect serious bodily injury,<sup>1</sup> operates or drives a motor vehicle of any kind in a negligent manner and thereby causes

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<sup>1</sup> “Serious bodily injury” is defined as “(f)or purposes of §32-23-10 [Operation of Vehicle as Consent to Withdrawal of Bodily Substances and Chemical Analysis—Submission to Withdrawal or Analysis Following Arrest], serious bodily injury is such injury as is grave and not trivial, and gives rise to apprehension of danger to life, health, or

the serious bodily injury of another person, including an unborn child, is guilty of vehicular battery. Vehicular battery is a Class 4 felony [which carries 10 years imprisonment in the state penitentiary. In addition, a fine of \$20,000 may be imposed. S.D. Codified Laws § 22-6-1]. In addition to any other penalty prescribed by law, the court shall order that the driver's license of any person convicted of vehicular battery be revoked for a period of not less than three years from the date sentence is imposed or three years from the date of initial release from imprisonment, whichever is later. In the event the person is returned to imprisonment prior to the completion of the period of driver's license revocation, time spent imprisoned does not count toward fulfilling the period of revocation.

### **S.D. Codified Laws §32-24-1. Reckless driving-- (1939 as amended 1989).**

Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, college, or university carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, is guilty of reckless driving. Reckless driving is a Class 1 misdemeanor. [The penalty for a Class 1 misdemeanor: one year imprisonment in a county jail or two thousand dollars fine, or both. S.D. Codified Laws § 22-6-2]

### **S.D. Codified Laws §22-18-1. Simple assault— Violation as misdemeanor-- Third or subsequent offense a felony--Violation in other states (1939 as amended 2021).**

A person is guilty of simple assault, a Class 1 misdemeanor, if the person:

- (1) Attempts to cause bodily injury to another and has the actual ability to cause the injury;
- (2) Recklessly causes bodily injury to another;
- (3) Negligently causes bodily injury to another with a dangerous weapon;
- (4) Attempts by physical menace or credible threat to put another in fear of imminent bodily harm, with or without the actual ability to harm the other person; or
- (5) Intentionally causes bodily injury to another which does not result in serious bodily injury.

If the defendant has been convicted of, or entered a plea of guilty to, two or more violations of simple assault under this section, simple assault or aggravated assault under § 22-18-1.05, aggravated assault under § 22-18-1.1, assault under § 22-18-26, intentional contact with bodily fluids under § 22-18-26.1, or assault under § 22-18-29, within ten years of committing the

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limb.” S.D. Codified Laws § 32-23-10.3 (2004).



current offense, the defendant is guilty of a Class 6 felony for any third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for a fifth or subsequent offense.

Any conviction for, or plea of guilty to, an offense in another state which, if committed in this state, would be a violation of a crime described in this section and occurring within ten years prior to the date of the violation being charged, shall be used to determine if the violation being charged is a subsequent offense.

## Tennessee

### **Tenn. Code Ann. §55-10-402. Sentencing; treatment programs (1953 as amended 2024).**

.....

(b) (1) If a person is convicted of a violation of § 55-10-401[Driving or in physical control of motor driven vehicle; under the influence of substance affecting ability to drive; alcohol concentration], and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days. The incarceration enhancement shall be served in addition to any period of incarceration received for the violation of § 55-10-401.

(2) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 55-10-401, the person commits a Class D felony and shall be punished as provided in § 39-13-106, for vehicular assault.

(3) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 55-10-401, the person commits a Class B felony and shall be punished as provided in § 39-13-213(b)(2), for vehicular homicide involving intoxication.

(c) Subdivisions (b)(1)-(3) constitute an enhanced sentence, not a new offense.

....

### **Tenn. Code Ann. §55-10-403. Fines; indigent persons; restitution (1953 as amended 2013).**

(a) A person convicted for a violation of § 55-10-401 [Driving or in physical control of motor driven vehicle; under the influence of substance affecting ability to drive; alcohol concentration], shall be fined as follows:

(1) For a first offense, the person shall be fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500);

.....





(5) For any offense while accompanied by a child under eighteen (18) years of age, the person shall be fined one thousand dollars (\$1,000) in addition to the fine for the DUI offense.

.....

**Tenn. Code Ann. §37-1-403. Persons required to report; contents of report (1973 as amended 2020).**

.....

(c) (1) If a law enforcement official or judge becomes aware of known or suspected child abuse, through personal knowledge, receipt of a report, or otherwise, such information shall be reported to the department immediately upon the receipt of such information, and, where appropriate, the child protective team shall be notified to investigate the report for the protection of the child in accordance with this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or department to the maximum extent possible.

(2) A law enforcement official or judge who knows or becomes aware of a person who is convicted of a violation of § 55-10-401 and sentenced under § 55-10-402(b), because such person was at the time of the offense accompanied by a child under eighteen (18) years of age, shall report such information, as provided in subdivision (c)(1), and the department shall consider such information to be appropriate for investigation in the same manner as other reports of suspected child abuse or neglect.

.....

**Tenn. Code Ann. §39-15-401. Abuse or neglect (1989 as amended 2025).**

(a) Any person who knowingly, other than by accidental means, treats a child under eighteen (18) years of age in such a manner as to inflict injury commits a Class A misdemeanor [Class A misdemeanor is punishable by not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute Tenn. Code Ann. § 40-35-111]; provided, however, that, if the abused child is eight (8) years of age or less, the penalty is a Class D felony [Class D felony is punishable with not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute. Tenn. Code Ann. § 40-35-111].

(b) Any person who knowingly abuses or neglects a child under eighteen (18) years of age, so as to adversely affect the child's health and welfare, commits a Class A misdemeanor [Class A misdemeanor is punishable by not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute Tenn. Code Ann. § 40-35-111]; provided, that, if the abused or neglected child is eight (8) years of age or less, the penalty is a Class E felony [Class E felony is punishable by not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute. Tenn. Code Ann. § 40-35-111].



(c)(1)(A) A parent or custodian of a child eight (8) years of age or less commits child endangerment who knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury or imminent danger to the child.

(B) For purposes of this subsection (c):

(i) “Imminent danger” means the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury;

(ii) “Knowingly” means the person knew, or should have known upon a reasonable inquiry, that abuse to or neglect of the child would occur which would result in physical injury to the child. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary parent or legal custodian of a child eight (8) years of age or less would exercise under all the circumstances as viewed from the defendant's standpoint; and

(iii) “Parent or custodian” means the biological or adoptive parent or any person who has legal custody of the child.

(C) A violation of this subsection (c) is a Class A misdemeanor. [The authorized term of imprisonment and fine for a Class A misdemeanor is not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute. Tenn. Code Ann. § 40-35-111.].

.....

## Texas

### **Tex. Penal Code Ann. §49.045. Driving While Intoxicated with Child Passenger (2003).**

(a) A person commits an offense if:

(1) the person is intoxicated while operating a motor vehicle in a public place; and

(2) the vehicle being operated by the person is occupied by a passenger who is younger than 15 years of age.

(b) An offense under this section is a state jail felony [Punishable by confinement in state jail for any term of not more than two years or less than 180 days and a fine not to exceed \$10,000. Tex Penal Code Ann. § 12.35.].

### **Tex. Penal Code Ann. §49.09. Enhanced Offenses and Penalties (1993 as amended 2023).**

.....



(b) An offense under Section . . . 49.045 [Driving While Intoxicated with Child Passenger], . . . is a felony of the third degree if it is shown on the trial of the offense that the person has previously been convicted:

(1) one time of an offense under Section 49.08 or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense under Section 49.08; or

(2) two times of any other offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

.....

### **Tex. Penal Code Ann. §22.041. Abandoning or Endangering Child, Elderly Individual, or Disabled Individual (1985 as amended 2023).**

.....

(c) A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment.

(c-1) For purposes of Subsection (c), it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if:

(1) the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine in the presence of the child;

(2) the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine to the child and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body; or

(3) the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, or Penalty Group 1-B, Section 481.1022, Health and Safety Code, into the human body when the person was not in lawful possession of the substance as defined by Section 481.002(24) of that code.

.....

(f) An offense under Subsection (c) is a state jail felony [Punishable by confinement in state jail for any term of not more than two years or less than 180 days and a fine not to exceed \$10,000. Tex Penal Code Ann. § 12.35.].

(g) It is a defense to prosecution under Subsection (c) that the act or omission enables the child to practice for or participate in an organized athletic event and that appropriate safety equipment and procedures are employed in the event.

....



## **Tex. Penal Code Ann. §12.35. State Jail Felony Punishment (1993 as amended 2023).**

(a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.

(b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.

(c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:

(1) a deadly weapon as defined by Section 1.07<sup>2</sup> was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or

.....

## **Utah**

### **Utah Code Ann. §76-5-109. Child abuse (1981 as amended 2025).**

(1) (a) As used in this section:

(i) “Child” means an individual who is younger than 18 years old . . .

(ii) “Physical injury” means an injury to or condition of a child which impairs the physical condition of the child, including:

(A) a bruise or other contusion of the skin;

(B) a minor laceration or abrasion;

(C) failure to thrive or malnutrition; or

(D) any other condition which imperils the child's health or welfare and which is not a serious physical injury.

(iii) “Psychological injury” means an identifiable mental or emotional harm, damage, impairment, or dysfunction.

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<sup>2</sup> Tex. Penal Code Ann. Sec. 1.07. Definitions (1973, as amended 2019). . . .(17) “Deadly weapon” means: . . . (B) anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(iv)(A) “Serious injury” means an injury or set of injuries that:

(I) seriously impairs the child's health, which includes the child's physical or mental well-being or development;

(II) causes serious emotional harm to the child; or

(III) involves a substantial risk of death to the child.

(B) “Serious injury” includes:

(I) fracture of any bone or bones;

(II) intracranial bleeding, swelling or contusion of the brain, whether caused by blows, shaking, or causing the child's head to impact with an object or surface;

(III) any burn, including burns inflicted by hot water, or those caused by placing a hot object upon the skin or body of the child;

(IV) any injury caused by use of a dangerous weapon;

(V) any combination of two or more injuries inflicted by the same individual, either at the same time or on different occasions;

(VI) any damage to internal organs of the body;

(VII) any conduct toward a child that results in severe emotional harm, severe developmental delay or intellectual disability, or severe impairment of the child's ability to function;

(VIII) any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ;

(IX) any impediment of the breathing or the circulation of blood by application of pressure to the neck, throat, or chest, or by the obstruction of the nose or mouth, that is likely to produce a loss of consciousness;

(X) any conduct involving unreasonable forcible restriction of a child's movements, including restraining or confining the child with restraints or in an enclosed space or forcing the child to remain in a stress position;

(XI) any conduct involving forcing or coercing a child to injure the child's self, an individual known to the child, or an animal known to the child;

(XII) any conduct involving a threat to harm or kill the child, an individual known to the child, or an animal known to the child;

(XIII) any conduct involving unreasonably subjecting a child to excessive heat, cold, darkness, solitary confinement, or sleep deprivation;

(XIV) any conduct that results in starvation, dehydration, failure to thrive, or malnutrition, that jeopardizes the child's life or seriously injures the child's physical or mental well-being or development; or

(XV) unconsciousness caused by the unlawful infliction of a brain injury or unlawfully causing any deprivation of oxygen to the brain.

....

(2) An actor commits child abuse if the actor:

(a) inflicts upon a child physical injury; or

(b) having the care or custody of such child, causes or permits another to inflict physical injury upon a child.

(3)(a) A violation of Subsection (2) is a class A misdemeanor [Punishable by imprisonment not to exceed 364 days, Utah Code Ann. § 76-3-204] if done intentionally or knowingly.

(b) A violation of Subsection (2) is a class B misdemeanor [Punishable by imprisonment not to exceed six months, Utah Code Ann. § 76-3-204] if done recklessly.

(c) A violation of Subsection (2) is a class C misdemeanor [Punishable by imprisonment not to exceed 90 days, Utah Code Ann. § 76-3-204] if done with criminal negligence.

.....

### **Utah Code Ann. §76-5-109.2. Aggravated child abuse (1953 as amended and recodified 2025).**

(1)(a) As used in this section:

(i) “Child” means the same as that term is defined in Section 76-5-109.

(ii) “Serious physical injury” means the same as that term is defined in Section 76-5-109.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aggravated child abuse if the actor:

(a) inflicts upon a child serious physical injury; or

(b) having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child.

(3)(a) A violation of Subsection (2) is a second degree felony [Punishable by imprisonment for an indeterminate term of not less than one year nor more than 15 years, Utah Code Ann. § 76-3-203] if done intentionally or knowingly.

(b) A violation of Subsection (2) is a third degree felony [Punishable by imprisonment for an indeterminate term not to exceed five years, Utah Code Ann. § 76-3-203] if done recklessly.

(c) A violation of Subsection (2) is a class A misdemeanor [Punishable by imprisonment not to exceed 364 days, Utah Code Ann. § 76-3-204] if done with criminal negligence.

.....

## **Vermont**

### **Vt. Stat. Ann. tit. 13 §1304. Cruelty to a child (1971 as amended 2015).**

(a) A person over the age of 16 years, having the custody, charge or care of a child, who willfully assaults, ill treats, neglects or abandons or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner to cause such child unnecessary suffering, or to endanger his or her health, shall be imprisoned not more than two years or fined not more than \$500.00, or both.

(b) (1) If the child suffers death, or serious bodily injury as defined in subdivision 1021(2) of this title, or is subjected to sexual conduct as defined in subdivision 2821(2) of this title, the person shall be imprisoned not more than ten years or fined not more than \$20,000.00, or both.

(2) It shall be an affirmative defense to a charge under this subsection (b), if proven by a preponderance of the evidence, that the defendant engaged in the conduct set forth in subsection (a) of this section because of a reasonable fear that he or she or another person would suffer death, bodily injury, or serious bodily injury as defined in section 1021 of this title, or sexual assault in violation of chapter 72 of this title.

(c) The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall it limit or restrict defenses available under common law.

## **Virginia**

### **Va. Code Ann. §18.2-270. Penalty for driving while intoxicated; subsequent offense; prior conviction (1975 as amended 2014).**

.....



D. In addition to the penalty otherwise authorized by this section or § 16.1–278.9 [Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses; truancy], any person convicted of a violation of § 18.2–266 [Driving motor vehicle, engine, etc., while intoxicated, etc.] committed while transporting a person 17 years of age or younger shall be (i) fined an additional minimum of \$500 and not more than \$1,000 and (ii) sentenced to a mandatory minimum period of confinement of five days.

.....

### **Va. Code Ann. §18.2-371.1. Abuse and neglect of children; penalty; abandoned infant (1975 as amended 2024).**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child shall be guilty of a Class 4 felony [Penalty for Class 4 felony is a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$ 100,000. Va. Code Ann. § 18.2-10]. For purposes of this subsection, “serious injury” includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, “willful act or willful omission” includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton and culpable as to show a reckless disregard for human life shall be guilty of a Class 6 felony [Penalty for Class 6 felony is a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$ 2,500, either or both. Va. Code Ann. § 18.2-10].

.....

## **Washington**

### **Wash. Rev. Code Ann. §46.61.5055. Alcohol and drug violators--Penalty schedule (1995 as amended 2020).**

.....

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of sixteen were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional twelve months for each passenger under the age of sixteen when the person is subject to the penalties under





subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

**(7) Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

.....

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

.....

### **Wash. Rev. Code Ann. §9A.36.120. Assault of a child in the first degree (1992).**

(1) A person eighteen years of age or older is guilty of the crime of assault of a child in the first degree if the child is under the age of thirteen and the person:

(a) Commits the crime of assault in the first degree, as defined in RCW 9A.36.011, against the child; or

(b) Intentionally assaults the child and either:

(i) Recklessly inflicts great bodily harm; or

(ii) Causes substantial bodily harm, and the person has previously engaged in a pattern or practice either of (A) assaulting the child which has resulted in bodily harm that is greater than transient physical pain or minor temporary marks, or (B) causing the child physical pain or agony that is equivalent to that produced by torture.

(2) Assault of a child in the first degree is a class A felony [Class A felony is punishable by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both, Sec. 9A.20.021].

**Wash. Rev. Code Ann. § 9A.36.011. Assault in the first degree (1986 as amended 2020).**

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

.....

(d) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony [Class A felony is punishable by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both, Sec. 9A.20.021].

**Wash. Rev. Code Ann. §9A.36.140. Assault of a child in the third degree (1992).**

(1) A person eighteen years of age or older is guilty of the crime of assault of a child in the third degree if the child is under the age of thirteen and the person commits the crime of assault in the third degree as defined in § 9A.36.031(1)(d) or (f)[Sec. 9A.36.031(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm or (f) with criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering. . . .] against the child.

(2) Assault of a child in the third degree is a class C felony [Class C felony is punishable by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both, Sec. 9A.20.021].

## **West Virginia**



**W. Va. Code Ann. §17C-5-2. Driving under influence of alcohol, controlled substances, or drugs; penalties (1951 as amended 2025).**

...

(k) Any person who drives a vehicle on any public highway or private road in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than 12 months, and shall be fined not less than \$200 nor more than \$1,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or for a period of time conditioned on participation in the test and lock program in accordance with § 17C-5A-3a of this code: *Provided*, That such jail term shall include actual confinement of not less than 48 hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

....

**W. Va. Code Ann. §61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties (1988 as amended 2025).**

(a) If a parent, guardian, custodian, or person in a position of trust in relation to a child neglects a child and by such neglect causes the child bodily injury, as bodily injury is defined in child neglects a child and by such neglect causes the child bodily injury, as bodily injury is defined in section one§ 61-8B-1 of this code then the parent, guardian, custodian, or person in position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two years nor more than 10 years, or in the discretion of the court, be confined in jail for not more than one year.

(b) If a parent, guardian, custodian, or person in a position of trust om relation to a child neglects a child and by such neglect causes the child serious bodily injury, as serious bodily injury is defined in s § 61-8B-1 of this code then the parent, guardian, custodian, or person in a position of trust in relation to the child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five years nor more than 15 years.

(c) If a parent, guardian, custodian, or person in a position of trust in relation to a child neglects a child and by that neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in § 61-8B-1 of this code the child then the parent, guardian, custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than 10 years.

(d) (1) If a parent, guardian, custodian, or person in a position of trust in relation to a child neglects a child and by that neglect creates a substantial risk of bodily injury, as defined in § 61-8B-1 of this code to the child, then the parent, guardian, custodian, or person in a position of trust in relation to a child is guilty of a misdemeanor and, upon conviction thereof, for a first offense,



shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both fined and confined.

(2) If a parent, guardian, custodian, or person in a position of trust to a child violates and has previously been convicted of violation this subsection, § 61-8D-3(d) of this code, or a law of another state or federal government with the same essential elements, the parent, guardian, custodian, or person in a position of trust in relation to the child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years.

(e) Any person convicted of a felony offense under this section, who was previously convicted of a felony offense under this section, § 61-8D-3, or a law of another state or the federal government with the same essential elements of a felony offense contained within either section, may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both fined and imprisoned.

.....

#### **W. Va. Code Ann. §61-8D-4a. Child neglect resulting in death; criminal penalties (1997 as amended 2024).**

(a) If any parent, guardian, custodian, or person in a position of trust in relation to a child shall neglect a child under his or her care, custody or control and by such neglect cause the death of said child, then such parent, guardian or custodian, or person in a position of trust in relation to a child shall be guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or committed to the custody of the Division of Corrections for not less than three nor more than 15 years, or both fined and imprisoned.

.....

(c) A child whose parent, guardian or legal custodian, or person in a position of trust in relation to that child has inhibited or interfered with the provision of medical treatment in accordance with a court order may be considered to have been neglected for the purposes of this section.

### **Wisconsin**

#### **Wis. Stat. §346.65. Penalty for violating sections §346.62 [Reckless driving, Wis. Stat. §346.63, Operating Under the Influence of Intoxicant or Other Drug and] to §346.64 [Employment of drunken operators] (1999 as amended 2024).**

....

(2) (am) Any person violating s. 346.63(1) [Operating under the influence of intoxicant or other drug]:

1. Shall forfeit not less than \$150 nor more than \$300, except as provided in subds. 2. to 7. and par. (f).



.....

(f) 1. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(1) [Operating under the influence of intoxicant or drug], the person shall be fined not less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more than 6 months, except as provided in subd. 2.

2. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(1), the applicable minimum and maximum fines and imprisonment under par. (am)2. to 7. for the conviction are doubled. An offense under s. 346.63(1) that subjects a person to a penalty under par. (am)3., 4., 5., 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

.....

(2g) . . . (c) If there was a minor passenger under 16 years of age in the motor vehicle or commercial motor vehicle at the time of the violation that gave rise to the conviction, the court may require a person ordered to perform community service work under par. (a) or (ag), under s. 973.05(3)(a) if that person's fine resulted from violating s. 346.63(2), (5)(a) or (6)(a), 940.09(1) or 940.25, or under s. 973.05(3)(a) if that person's fine resulted from violating s. 346.63(1)(am) and the motor vehicle that the person was driving or operating was a commercial motor vehicle, to participate in community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the cost of establishing, maintaining and monitoring the community service work ordered under this paragraph.

(2j) . . . (d) If there was a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(5), the applicable minimum and maximum forfeitures, fines, or imprisonment under par. (am)1., 2., or 3. for the conviction are doubled. An offense under s. 346.63(5) that subjects a person to a penalty under par. (am)3. when there is a minor passenger under 16 years of age in the commercial motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

. . . .

(2q) Any person violating s. 346.63(2m) shall forfeit \$200. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(2m), the person shall be fined \$400.

....

(3m) Except as provided in sub. (3p) , (3r), or (3t), any person violating s. 346.63(2) or (6) shall be fined not less than \$300 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more than one year in the county jail. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s.



346.63(2) or (6), the offense is a felony, the applicable minimum and maximum fines or periods of imprisonment for the conviction are doubled and the place of imprisonment shall be determined under s. 973.02.

(3p) Any person violating s. 346.63(2) or (6) is guilty of a Class H felony if the person has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307(1). If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(2) or (6), the offense is a felony and the applicable maximum fines or periods of imprisonment for the conviction are doubled.

(3r) Subject to sub. (3t), in any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, any person violating s. 346.63(2) or (6) shall be fined the same as under sub. (3m), but the period of imprisonment shall be not less than 30 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 15 days. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(2) or (6), the offense is a felony, the applicable minimum and maximum fines or periods of imprisonment for the conviction are doubled and the place of imprisonment shall be determined under s. 973.02. A person may be sentenced under this subsection or under sub. (2)(bm) or (cm) or (2j)(bm) or (cm) once in his or her lifetime. This subsection does not apply to a person sentenced under sub. (3p).

.....

### **Wis. Stat. §343.31. Revocation or suspension of licenses after certain convictions or declarations (1999 as amended 2020).**

....

(3) (a) Except as otherwise provided in this subsection or sub. (1m), (2m), (2s), (2t), or (2x), all revocations or suspensions under this section shall be for a period of one year.

....

(bm) For any person convicted under a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63(1):

.....

4m. If the Indian tribal court that convicted the person determined that there was a **minor** passenger under 16 years of age in the motor vehicle at the time of the incident that gave rise to the conviction, the applicable minimum and maximum revocation periods under subd. 2., 3. or 4. for the conviction are doubled.

....

(c) Any person convicted under s. 940.09 of causing the death of another or of an unborn child by the operation or handling of a motor vehicle shall have his or her operating privilege revoked for 5 years. If there was a minor passenger under 16 years of age or an unborn child,

as defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise to the conviction under s. 940.09, the revocation period is 10 years.

....

(e) Any person convicted under s. 346.63(2) shall have his or her operating privilege revoked for not less than one year nor more than 2 years. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63(2), the minimum and maximum revocation periods are doubled.

(f) Any person convicted under s. 940.25 shall have his or her operating privilege revoked for 2 years. If there was a minor passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise to the conviction under s. 940.25, the revocation period is 4 years.

....

### **Wis. Stat. §948.21. Neglecting a child (1987 as amended 2018).**

(1) Definitions. In this section:

....

(c) “Necessary care” means care that is vital to the needs of a child's physical, emotional, or mental health based on all of the facts and circumstances bearing on the child's need for care, including the child's age; the child's physical, mental, or emotional condition; and any special needs of the child.

(d) “Negligently” means acting, or failing to act, in such a way that a reasonable person would know or should know seriously endangers the physical, mental, or emotional health of a child.

(2) Neglect. Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, for reasons other than poverty, negligently fails to provide any of the following so as to seriously endanger the physical, mental, or emotional health of the child, is guilty of neglect and may be penalized as provided in sub. (3):

(a) Necessary care.

(b) Necessary food.

(c) Necessary clothing.

(d) Necessary medical care.

(e) Necessary shelter.

(f) Education in compliance with s. 118.15.



(g) The protection from exposure to the distribution or manufacture of controlled substances, as defined in s. 961.01(4), or controlled substance analogs, as defined in s. 961.01(4m), or to drug abuse, as defined in s. 46.973(1)(b).

(3) Penalties. A person who violates sub. (2) is guilty of the following:

(a) A Class D felony if the child suffers death as a consequence.

(b) A Class F felony if any of the following applies:

1. The child suffers great bodily harm as a consequence.
2. The child becomes a victim of a child sex offense as a consequence.

(c) A Class G felony if the child suffers emotional damage as a consequence.

(d) A Class H felony if the child suffers bodily harm as a consequence.

(e) A Class I felony if the natural and probable consequences of the violation would be a harm under par. (a), (b), (c), or (d) although the harm did not actually occur if one of the following applies:

1. The child had not attained the age of 6 years when the violation was committed.
2. The child has a physical, cognitive, or developmental disability that was known or should have been known by the actor.

(f) A Class A misdemeanor if the natural and probable consequences of the violation would be a harm under par. (a), (b), (c), or (d) although the harm did not actually occur.

### **Wis. Stat. §939.50. Classification of felonies (1977 as amended 2019).**

.....

(3) Penalties for felonies are as follows:

(a) For a Class A felony, life imprisonment.

(b) For a Class B felony, imprisonment not to exceed 60 years.

(c) For a Class C felony, a fine not to exceed \$100,000 or imprisonment not to exceed 40 years, or both.

(d) For a Class D felony, a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.

(e) For a Class E felony, a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both.



(f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both.

(g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

(h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

(i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.

## Wyoming

### **Wyo. Stat. Ann. § 31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties (1939 as amended 2025).**

(a) As used in this section:

....

(vi) “Child passenger” means a person traveling in a vehicle who is under sixteen (16) years of age;

.....

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

(i) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more;

(ii) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, as measured within two (2) hours after the time of driving or being in actual physical control of the vehicle following a lawful arrest resulting from a valid traffic stop; or

(iii) To a degree which renders him incapable of safely driving:

(A) Is under the influence of alcohol;

(B) Is under the influence of a controlled substance; or

(C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.

....



(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:

(i) For a first conviction under this subsection, by imprisonment for not more than one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both;

(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than five (5) years.

....

**Wyo. Stat. Ann. § 6-4-403. Abandoning or endangering children; penalties; “child”; disclosure or publication of identifying information; “minor victim” (1982 as amended 2018).**

(a) No parent, guardian or custodian of a child shall:

(i) Abandon the child without just cause; or

(ii) Knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.

....

(c) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. A person convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

(d) As used in this section, “child” means a person under the age of sixteen (16) years.

.....

**END DOCUMENT**

