



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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SANCTIONS FOR DRUNK DRIVING ACCIDENTS  
RESULTING IN SERIOUS INJURIES AND/OR DEATH

State	Statutory Citation	Description of Penalty
Alabama	<p>Ala. Code §§ 13A-6-20 &amp; 13A-5-6(a)(2)</p> <p>Ala. Code § 13A-6-4</p>	<p><b>Serious Bodily Injury:</b> Driving under the influence that result in the serious bodily injury of another person is assault in the first degree, which is a Class B felony. These felonies are punishable by no more than 20 years and no less than 2 years incarceration.</p> <p><b>Criminally Negligent Homicide:</b> A person commits the crime of criminally negligent homicide by causing the death of another through criminally negligent conduct. If the death is caused while operating a motor vehicle the punishment is increased to a Class C felony, which is punishable by a prison term of no more than 10 years or less than 1 year and a day.</p>
Alaska	<p>Alaska Stat. §§ 11.41.110(a)(2), 11.41.120(a), &amp; 11.41.130(a)</p>	<p><b>Homicide by Vehicle:</b> vehicular homicide can be second degree murder, manslaughter, or criminally negligent homicide, depending on the facts surrounding the death (<i>see Puzewicz v. State</i>, 856 P.2d 1178, 1181 (Alaska App. 1993)).</p>
Arkansas	<p>Ark. Stat. Ann. § 27-50-307</p> <p>Ark. Stat. Ann. § 5-10-105</p> <p>Ark. Stat. Ann. § 5-4-401</p>	<p><b>Negligent Homicide:</b> A person commits negligent homicide if he or she negligently causes the death of another person, not constituting murder or manslaughter, as a result of operating a vehicle while intoxicated or with a prohibited alcohol or drug content. A person who violates this section is guilty of a Class B felony. A Class B felony carries a sentence of no less than 5 years nor more than 20 years.</p> <p><b>Involuntary Manslaughter:</b> When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle in a reckless or wanton disregard of the safety of others, the person operating the vehicle shall be guilty of negligent homicide. The offense of negligent homicide shall be included in and be a lesser degree of the offense of involuntary manslaughter.</p>
California	<p>Cal. Vehicle Code §§ 23152 &amp; 23153</p> <p>Cal. Vehicle Code § 23536 et seq.</p> <p>Cal. Penal Code §§ 17, 191.5, 192(c), &amp; 193</p>	<p><b>Serious Bodily Injury:</b> It is unlawful for a person who is under the influence of alcohol or drug, or who has a blood alcohol content is 0.08 or higher to drive a vehicle and do an act forbidden by law, or neglect a duty imposed by law, which act or neglect proximately causes the bodily injury of another. If the first offense occurred without bodily injury to another person, the violation is punishable by imprisonment for no more than 96 hours, of which 48 have to be continuous, and a fine of no less than \$390, and no more than \$1,000. If the violation is the second within 10 years, or results in bodily injury then the violation is punishable by no less than 90 days, and no more than a year in jail, and a fine of no less than \$390, and no more than \$1,000.</p>

		<p><b>Gross Vehicular Manslaughter While Intoxicated:</b> Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, and the killing was either the proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Gross vehicular manslaughter while intoxicated is punishable in the state prison for 4, 6, or 10 years. Vehicular manslaughter is the same as the description above, but does not require gross negligence, and is punishable by one year in county jail, or 16 months, 2 or 4 years in state prison.</p> <p><b>Homicide by Vehicle:</b> Vehicular manslaughter requires the driving of a vehicle while intoxicated, and the death of another was the proximate cause of driving while intoxicated, but does not amount to a felony, and with gross negligence. A person can also be convicted if their act <i>might</i> have produced death, with gross negligence.</p> <p>Second degree murder can be imposed if the driver acted with implied malice. If the intoxicated driver causes more than one death, an enhanced prison term of one year is added for each victim (<i>see</i> Cal. Vehicle Code § 23558).</p>
Colorado	<p>Colo. Rev. Stat. §§ 18-3-205, &amp; 18-1.3-401</p> <p>Colo. Rev. Stat. § 18-3-106(a)</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle while under the influence of alcohol, drugs, or both, and this conduct is the proximate cause of serious bodily injury to another, the person is guilty of vehicular assault. This is a strict liability crime. The length of the imprisonment term is determined by the date the felony was committed.</p> <p><b>Homicide by Vehicle:</b> : If a person operates a vehicle while under the influence of alcohol, drugs, or both, and this conduct is the proximate cause of the death of another, the person is guilty of vehicular homicide. This is a strict liability crime. The length of the imprisonment term is determined by the date the felony was committed.</p>
Connecticut	<p>Conn. Gen. Stat. §§ 53a-60d &amp; 53a-35a</p> <p>Conn. Gen. Stat. §§ 53a-56b, 53a-57, &amp; 14-222a</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes serious physical injury to another is guilty of second degree assault. Violation is a Class D felony, which is punishable by no more than five years imprisonment.</p> <p><b>Homicide by Vehicle:</b></p> <ul style="list-style-type: none"> <li>• 2nd Degree Manslaughter with a Motor Vehicle: A person is guilty of this offense if he caused the death of another while operating a vehicle under the influence of alcohol, drugs, or both. Violation is a Class C felony which carries an imprisonment term of one to 10 years.</li> <li>• Misconduct with a Motor Vehicle: A person is guilty of this offense if he drives when criminally negligent and causes the death of another person. Violation is a Class D felony, which is punishable by no more than five years imprisonment.</li> <li>• Negligent Homicide with a Vehicle: Any person who, in consequence of the negligent operation of a vehicle, causes the death of another, shall be fined no more than \$1,000 or imprisoned no more than 6 months or both.</li> </ul>
Delaware	<p>Del. Code Ann. tit. 11 §§ 628 &amp; 628A</p>	<p><b>Vehicular Assault in the Third Degree:</b> A person is guilty of vehicular assault in the third degree when, while in the course of driving a motor vehicle, the person's criminally negligent driving or operation of the vehicle causes physical injury to another person. Vehicular assault in the</p>

	Del. Code Ann. tit. 11 §§ 630 & 630A	<p>third degree is a class B misdemeanor.</p> <p><b>Vehicular Assault in the Second Degree:</b> A person is guilty of vehicular assault in the second degree when, while in the course of driving or operating a motor vehicle and under the influence of alcohol or drugs or with a prohibit alcohol or drug content, causes physical injury to another person. Vehicular assault in the second degree is a class A misdemeanor.</p> <p><b>Homicide by Vehicle:</b></p> <ul style="list-style-type: none"> <li>• Vehicular Homicide in the First Degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and his criminally negligent conduct causes of the death of another, the person is guilty of vehicular homicide. Violation is a Class C felony, which the minimum sentence is 2 years imprisonment, and the person is not eligible for probation, parole, furlough, work release or supervised custody during the first 18 months of his sentence.</li> <li>• Vehicular Homicide in the Second Degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes of the death of another, the person is guilty of vehicular homicide. Violation is a Class D felony, which is punishable by no less than one year imprisonment, and the person is not eligible for probation, parole, furlough, work release or supervised custody for the duration of their sentence.</li> </ul>
Florida	<p>Fla. Stat. § 316.193(3)(c)(2)</p> <p>Fla. Stat. § 316.193(3)(c)(3)</p> <p>Fla. Stat. §§ 775.082 &amp; 775.083</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious physical injury, that is, a physical condition that creates a substantial risk of death, serious physical disfigurement, or protracted loss or impairment of the function of any body part or organ, is guilty of a felony in the third degree. The infraction is punishable by a term of imprisonment not to exceed five years and a fine of \$5,000.</p> <p><b>Homicide by Vehicle:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person, or an unborn viable fetus, commits DUI manslaughter, if at the time of the accident the person knew or should have known the crash occurred. Punishment is a term of imprisonment not to exceed 15 years, and a term not to exceed 30 years if the person knew or should have known of that the crash occurred and failed to render aid to the injured and/or dying person.</p>
Georgia	<p>Ga. Code Ann. § 40-6-393</p> <p>Ga. Code Ann. § 17-10-3</p>	<p><b>Homicide by Vehicle:</b></p> <ul style="list-style-type: none"> <li>• Homicide by Vehicle in the First Degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, who causes the death of another person and acts without malice aforethought shall be punished by a term of imprisonment not to exceed 15 years. If that person is declared a habitual offender and the person's driver's license has been revoked, and causes the death of another by operating a vehicle while under the influence of alcohol, drugs, or both without malice aforethought shall be punished by a term of imprisonment not less than 5 years and no more than 20 years.</li> <li>• Homicide by Vehicle in the Second Degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes the death of another person without the intention do so shall be punished by a fine not to exceed \$1,000 or a prison term not to exceed 12 months.</li> </ul>
Hawaii	Hawaii Rev. Stat. § 707-	<b>Serious Bodily Injury:</b> A person is guilty of negligent injury in the first

	705  Hawaii Rev. Stat. § 707-702.5  Hawaii Rev. Stat. §§ 706-660 & 706-663	degree if they cause the <i>serious bodily injury</i> of another while operating a vehicle in a negligent manner. The violation is a Class C felony, which is punishable by no more than 5 years imprisonment and a fine not to exceed \$10,000.  If the person causes <i>substantial injury</i> to another through the negligent operation of vehicle, the person is guilty of negligent injury in the second degree. The violation is misdemeanor, which is punishable by no more than one year imprisonment and a fine of no more than \$2,000.  <b>Homicide by Vehicle:</b> <ul style="list-style-type: none"> <li>• Negligent Homicide in the First Degree: if a person causes the death of another person because of their negligent operation of a vehicle while under the influence of drugs shall be punished by no more than 10 years imprisonment.</li> </ul>
Idaho	Idaho Code § 18-8006       Idaho Code § 18-4006(3)(b)	<b>Serious Bodily Injury:</b> If a person causes great bodily harm, permanent disability, or permanent disfigurement to a person of another as a result of operating a vehicle under the influence of alcohol or drugs is guilty of a felony. The violation is punishable by a term of imprisonment in the state penitentiary not to exceed 15 years, a fine not to exceed \$5,000, suspension of driver's license, suspension of driving privileges from one year to 5years once released from incarceration, and payment of restitution. If the court decides not to imprison in the state penitentiary, the court shall sentence the defendant to a sentence not to exceed 30 days in a county jail, the first 48 hours of which must be consecutive.  <b>Homicide by Vehicle:</b> If a person unlawfully causes the death of another person, human embryo or fetus, while operating a vehicle under the influence of alcohol or drugs is guilty of vehicular manslaughter. The violation is punishable by a fine of \$15,000 and a term of imprisonment not to exceed 15 years.
Illinois	Ill. Rev. Stat. ch. 625 § 5/11-501(d)(1)(C)	<b>Serious Bodily Injury/Homicide by Death:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes great bodily harm or permanent disfigurement to a person of another they commit a Class 4 felony.
Indiana	Ind. Code Ann. § 9-30-5-4       Ind. Code Ann. § 9-30-5-5	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious bodily injury to the person of another commits a level 6 felony, however, if the person has had a previous intoxication violation in the last 5 years the offense is increased to a level 5 felony. A level 6 felony is punishable by a fixed term of imprisonment of 2 years, and a level 5 felony is punishable by a fixed term of imprisonment of 4 years.  <b>Homicide by Vehicle:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person, he/she has committed a level 5 felony, however, if the person has had a previous intoxication violation in the last 5 years the offense is increased to a level 4 felony. A level 5 felony is punishable by a fixed term of imprisonment of 4 years, and a level 4 felony is punishable by a fixed term of imprisonment of 10 years. If the person's actions caused the death of an unborn fetus, it is a level 6 felony, which is punishable by a fixed term of imprisonment of 2 years.
Iowa	Iowa Code § 707.6A	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious bodily injury to the person of another commits a Class D felony, which is punishable by a term of imprisonment not to

		<p>exceed 5 years and a fine no less than \$750 and no more than \$7,500.</p> <p><b>Homicide by Vehicle:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his/her conduct causes the death of another person he/she has committed a Class B felony, which is punishable by a term of imprisonment not to exceed 25 years.</p>
Kansas	Kan. Stat. Ann. §§ 21-5402 & 21-5406	<p><b>Involuntary Manslaughter:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and that person unintentionally causes the death of another, he/she has committed a security level 5 felony, which is punishable by a term of imprisonment no less than 62 months and no more 69 months.</p> <p><b>Vehicular Homicide:</b> Vehicular homicide is the killing of a human being committed by the operation of an automobile or other motor vehicle in a manner that creates an unreasonable risk of injury to the person or property of another and which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances. Vehicular homicide is a class A misdemeanor, which is punishable by a term of imprisonment not to exceed one year.</p>
Kentucky	Ky. Rev. Stat. § 507.040	<b>Manslaughter in the Second Degree:</b> A person is guilty of manslaughter in the second degree when he wantonly causes the death of another, where the death result's from the person's operation of a vehicle. Manslaughter in the second degree is a Class C felony.
Louisiana	<p>La. Rev. Stat. Ann. §§ 14:39.1 &amp; 14:39.2</p> <p>La. Rev. Stat. Ann. § 14:32.1(A)</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes any bodily injury to the person of another he/she shall be fined no more than \$1,000, be imprisoned for no more than 6 months, or both. However, if the person causes serious bodily injury while operating a vehicle and under the influence of alcohol or drugs or with a prohibited alcohol or drugs he shall be fined no more than \$2,000, imprisoned for no more than 5 years, or both.</p> <p><b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person he/she shall be fined no less than \$2,000 and no more than \$15,000 and shall be imprisoned with or without hard labor for no less than 5 years and no more than 30 years (3 years without probation and 5 years if the driver's blood alcohol content was greater than 0.15 percent).</p>
Maine	<p>17-A MRSA §§1252 &amp;1301</p> <p>29-A MRSA §2454(1)</p>	<b>Manslaughter Statutes:</b> It is a Class A Crime to cause a death by criminal negligence or reckless conduct via a motor vehicle. The sanctions for a Class A Crime are incarceration for no more than 30 years and an offender's license is revoked for 5 years. {The Maine Criminal Code, 17-A MRSA does not use the terms "misdemeanor" or "felony" to either describe or define crimes. The law describes the offense of vehicle homicide as a Class A crime without further defining it as either a misdemeanor or a felony. }
Maryland	<p>Md. Criminal Law Code Ann. § 3-211</p> <p>Md. Criminal Law Code</p>	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes a life threatening injury he/she is guilty of a misdemeanor and is subject to a term of imprisonment not to exceed 2 years, a fine not to exceed \$3,000, or both.

	Ann. §§ 2-503, 2-504, 2-505, & 2-506	<b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person, he/she is subject to a term of imprisonment not to exceed 3 years, or a fine of \$5,000, or both.
Massachusetts	Mass. Gen. Laws Ann. Ch. 90 §§ 24L & 24G	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious bodily injury, he/she shall be punished by a term of imprisonment of no less than 2.5 years and no more than 10 years, and a fine of no more than \$5,000.
	Mass. Gen. Laws Ann. Ch. 265 § 13 ½	<b>Manslaughter by Vehicle:</b> If a person commits manslaughter as a result of driving under the influence of alcohol or a controlled substance, he/she shall be punished by a term of imprisonment for no less than 5 years and not more than 20 years, and by a fine of not more than \$25,000.
Michigan	Mich. Comp. Laws § 257.625(5)	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious impairment of a bodily function of another person, he/she is subject to a term of imprisonment for no more than 5 years or a fine of no less than \$1,000.00 or more than \$5,000.00, or both.
	Mich. Comp. Laws § 257.625(4)	<b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person, he/she is guilty of a felony punishable by imprisonment for no more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.
Minnesota	Minn. Stat. Ann. §§ 609.2112, 609.2113, & 609.2114	<b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes great bodily harm or great bodily harm to an unborn child may be sentenced to a term of imprisonment of not less than 5 years and a fine of no more than \$10,000, or both. If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes substantial bodily harm he/she may be sentenced to a term of imprisonment for no more than 3 years and a fine of no more than \$10,000, or both.  <b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person or an unborn child may be sentenced to a term of imprisonment for no more than 10 years, and a fine of no more than \$20,000, or both.
Mississippi	Miss. Stat. Ann §63-11-30(5)	<b>Death via DWI and Negligence:</b> If a person operates a vehicle under the influence of alcohol or drugs, and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each such death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than 5 years and not to exceed 25 years for each such death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.  No mandatory minimum statute.
Missouri	Mo. Ann. Stat. §§ 558.011 & 565.060	<b>Serious Bodily Injury:</b> A person who injures another while driving either while intoxicated or illegal per se, commits assault in the second degree

		<p>that is a Class C felony. The sanctions for this offense are imprisonment for not more than 7 years and a fine of not more than \$5,000.</p> <p><b>Involuntary Manslaughter:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and he/she recklessly causes the death of another person he/she is guilty of a class C felony, which is punishable by a term of imprisonment not to exceed 7 years.</p>
Montana	<p>Mont. Code Ann. § 45-5-205</p> <p>Mont. Code Ann. § 61-8-715(3)</p>	<p><b>Serious Bodily Injury:</b> A person who negligently operates a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three who causes bodily injury to another commits the offense of negligent vehicular assault. A person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail for a term not to exceed one year, or both, and shall be ordered to pay restitution. A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed \$10,000 or incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution.</p> <p><b>Reckless Driving Resulting in Death:</b> A person who is convicted of reckless driving and whose offense results in the death or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, a term of imprisonment not to exceed one year, or both. <i>State does not have a vehicle homicide statute.</i></p>
Nebraska	<p>Neb. Rev. Stat. § 28-306</p> <p>Neb. Rev. Stat. § 28-105</p>	<p><b>Motor Vehicle Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person, he/she is guilty of a Class IIA felony which carries a maximum term of imprisonment of 20 years.</p>
Nevada	<p>N.R.S. §§ 484B.653 &amp; 484B.657</p>	<p><b>Death Caused By Reckless Driving or By a DWI Where There is Wanton Disregard for the Safety of Others:</b> If a person has caused death or substantial bodily harm to another person, regardless of whether the person has previously been convicted of driving under the influence, he or she shall be punished by a fine of no less than \$250 but no more than \$1,000 or by both fine and imprisonment in the county jail for no more than 6 months.</p> <p><b>Vehicular Manslaughter:</b> A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.</p>
New Hampshire	<p>N.H. Rev. Stat. Ann. § 630:3(II) &amp; (III)</p>	<p><b>Negligent Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person class A felony maximum penalty, exclusive of fine, is imprisonment in excess of 7 years.</p>
New Jersey	<p>N.J.S.A. § 2C:11-5</p> <p>N.J.S.A. § 2C:43-6(a)(2)</p>	<p><b>Death by Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person it is a crime in the second degree. This offense is not specifically classified as either a "felony" or a "misdemeanor;" i.e., the Criminal Code (Title 2C) does not define these terms. To cope with this lack of definitions, the N.J. Supreme Court has held that a crime can be considered equal to a "common law felony" if a defendant can be sentenced to the State prison for more than 1 year. <i>State v. Doyle</i>, 200 A.2d 606 (N.J. 1964) and <i>Kaplowitz v. State Farm Mutual</i></p>

		<i>Auto. Ins. Co.</i> , 493 A.2d 637 (N.J. Super. L. 1985)
New Mexico	New Mexico Sta. Ann. § 66-8-101(C), (D) & (F)  New Mexico Sta. Ann. § 31-18-15	<b>Serious Bodily Injury:</b> A person who commits great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or is guilty of a third degree felony and shall be sentenced to 3 years imprisonment.  <b>Homicide by Vehicle:</b> A person who commits homicide by vehicle while under the influence of intoxicating liquor or while under the influence of any drug is guilty of a third degree felony and shall be sentenced to 6 years imprisonment. (For every prior DWI conviction within 10 years, 4 extra years will be added.)
New York	Penal Law § 125.12  Penal Law § 125.13  Penal Law § 125.14	<b>Second Degree Vehicular Manslaughter</b> A person is guilty of vehicular manslaughter in the second degree when he or she causes to the death of another person, if he or she operates a motor vehicle while intoxicated. Vehicular manslaughter in the second degree is a class D felony. <b>First Degree Vehicular Manslaughter:</b> A person is guilty of vehicular manslaughter in the first degree when he or she commits the crime of vehicular manslaughter in the second degree and, while under the influence of alcohol or drugs, causes the death of more than one other person or a child who is fifteen years of age or less. Vehicular manslaughter in the first degree is a class C felony.  <b>Aggravated Vehicular Homicide:</b> A person is guilty of aggravated vehicular homicide when he or she engages in reckless driving and commits the crime of vehicular manslaughter in the second degree while under the influence of alcohol or drugs. Aggravated vehicular homicide is a class B felony.
North Carolina	N.C.G.S.A. § 20-141.4  N.C.G.S.A. §§ 15A-1340.13, 15A-1340.16 & 15A-1340.17	<b>Felony Serious Injury by Vehicle:</b> A person who unintentionally causes serious injury to another person while engaged in the offense of impaired driving commits a class F Felony.  <b>Felony Death by Vehicle:</b> A person who unintentionally causes the death of another person while engaged in the offense of impaired driving and the commission of the offense is the proximate cause of death commits a class F Felony.  *The length of the imprisonment term is determined by the number of prior criminal convictions and by aggravating and mitigating circumstances.
North Dakota	NDCC § 39-08-01.2	<b>Causing Serious Bodily Injury:</b> If an individual caused serious bodily injury as a result of operating a motor vehicle under the influence of alcohol the individual is guilty of a class C felony and the sentence must include at least one year imprisonment.  <b>Causing Death While Operating a Motor Vehicle Under the Influence of Alcohol:</b> An individual is guilty of criminal vehicular homicide if the individual, while under the influence of alcohol or drugs, causes a death of another individual to occur, including the death of an unborn child (unless the individual who causes the death of the unborn child is the mother). A violation of this section is a class A felony and the sentence must include at least 3 years imprisonment.
Ohio		<b>Aggravated Vehicular Assault:</b> A person commits this offense if in the



	<p>O.R.C. § 2903.08</p> <p>O.R.C. § 2903.06(A)(2)</p>	<p>operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft and causes serious physical harm to another person or another's unborn as the proximate result of being under the influence of alcohol or drugs. This offense is a third degree felony.</p> <p><b>Aggravated Vehicle Homicide:</b> A person commits this offense if in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft and causes the death of another or another's unborn as the proximate result of being under the influence of alcohol or drugs. The offense is and aggravated felony second degree, for first offense the person could be sentenced 1 to 5 years in a correctional facility and fined no more than \$15,000.</p>
Oklahoma	<p>47 Okl. St. Ann. § 11-904(B) (1)</p> <p>47 Okl. St. Ann. § 11-903</p>	<p><b>Great Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss of or impairment of the function of any bodily member or organ they shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for no less than 90 days no more than one year, and a fine of no more than \$5,000.00.</p> <p><b>Negligent Homicide:</b> When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person convicted of negligent homicide shall be punished by imprisonment in the county jail for no more than one year or by fine of no less than \$1,000.00, or by both such fine and imprisonment.</p> <p>In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course.</p> <p>The Oklahoma Courts have decided that if a vehicle homicide is proximately caused by an alcohol driving law offender, for a first offense, the charge may be Manslaughter 1, and for a second offense, the charge may be Murder II. See respectively paragraph 1 of section 711 of Title 21 (<i>Mc Connell v. State</i>, 485 P.2d.764 (1971) and <i>White v. State</i>, 483 P.2d 751 (1971)), and paragraph 2 section 701.8 of Title 21 (<i>Isom v. State</i>, 646 P.2d 1288 (1982)).</p>
Oregon	<p>ORS § 163.118</p> <p>ORS § 163.147</p>	<p><b>1<sup>st</sup> Degree Manslaughter:</b> is committed recklessly or with criminal negligence by a person operating a motor vehicle while under the influence of intoxicants and:</p> <p>(A) The person has at least three previous convictions for driving while under the influence of intoxicants in the 10 years prior to the date of the current offense; or</p> <p>(B) The person has a previous conviction for 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree assault and the victim's serious physical injury in the previous conviction was caused by the person driving a motor vehicle.</p> <p>Manslaughter in the first degree is a Class A felony which carries a maximum 20 years imprisonment and or \$375,000 fine.</p> <p>*Second Degree Manslaughter and Criminal Negligent Homicide will be considered a category 9 crime of the sentencing guidelines in the state if it</p>

		was committed by an impaired driver.
Pennsylvania	<p>75 Pa. C.S.A. § 3735-</p> <p>75 Pa. C.S.A. § 3735.1</p>	<p><b>Homicide by Vehicle While Driving Under Influence:</b> Any person who unintentionally causes the death of another person as the result of driving under influence of alcohol or controlled substance and who is convicted of violating this section is guilty of a felony of the second degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 3 years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of the violation of this section.</p> <p><b>Aggravated Assault by Vehicle While Driving Under the Influence:</b> Any person who negligently causes serious bodily injury to another person as the result of a violation of driving under influence of alcohol or controlled substance and who is convicted such offense commits a felony of the second degree when the violation is the cause of the injury.</p> <p>The State must prove either recklessness or criminal negligence and not ordinary negligence in order to sustain a conviction for vehicle homicide. <i>Com. v. Heck</i>, 535 A.2d 575 (Pa. 1987) and <i>Com. V. Samuels</i>, 778 A.2d 638 (Pa.2001).</p> <p>A person can also be charged with involuntary manslaughter in situations where he/she has caused a death related to a drunk-driving offense. <i>Com. v. Huckleberry</i>, 631 A.2d 1329 (Pa. Super. 1993)</p>
Rhode Island	<p>Gen. Laws 1956, § 31-27-2.6</p> <p>Gen. Laws 1956, § 31-27-2.2</p>	<p><b>Driving Under the Influence of Liquor or Drugs, Resulting in Serious Bodily Injury:</b> When serious bodily injury of any person other than the operator is caused by the operation of any motor vehicle, the operator of which is under the influence of any intoxicating liquor the person so operating the vehicle shall be guilty of driving under the influence of liquor or drugs, resulting in serious bodily injury. Upon conviction, the person shall be punished by imprisonment for not less than one year and for no more than 10 years and by a fine of no less than \$1,000 no more than \$5,000.</p> <p><b>Driving Under the Influence of Liquor or Drugs, Resulting in Death:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person it is a felony to punishable by 5 to 15 years and no less than \$5,000 nor more than \$10,000.</p>
South Carolina	Code 1976 § 56-5-2945	<p><b>Great Bodily Injury:</b> A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a vehicle and when driving causes great bodily injury is guilty of a felony and upon conviction must be punished with a mandatory fine of not less than \$5,100 nor more than \$10,100 and mandatory imprisonment for not less than 30 days nor more than 15 years when great bodily injury results.</p> <p><b>When Death Results:</b> A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a vehicle and when driving causes great bodily injury resulting in death is guilty of a felony and upon conviction must pay a mandatory fine of not less than \$10,100 nor more than \$25,100 and mandatory imprisonment for no less than one year nor more than 25 years. These mandatory sentences enumerated above may not</p>

		be suspended, and probation may not be granted.
South Dakota	SDCL § 22-16-41  SDCL § 22-6-1	<b>Vehicular Homicide:</b> Any person who, while under the influence of an alcoholic beverage or any controlled drug or substance operates or drives a vehicle of any kind in a negligent manner and thereby causes the death of another person, including an unborn child, is guilty of vehicular homicide. Vehicular homicide is a Class 3 felony which carries no more than 15 years imprisonment in the state penitentiary and a fine of \$30,000 may be imposed.
Tennessee	T.C.A. § 39-13-106  T.C.A. § 39-13-213(a) & (b)  T.C.A. § 40-35-111(b)(2)	<b>Vehicular Assault:</b> A person commits vehicular assault who, as the proximate result of the person's intoxication, recklessly causes serious bodily injury to another person by the operation of a motor vehicle. Violation is a Class D felony. Upon the conviction, the court shall prohibit the convicted person from driving a vehicle in this state for a period of one year.  <b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the reckless killing of another person, the person is guilty of a Class B felony which carries 8 to 30 years imprisonment and a possible jury award of up to \$50,000.
Texas	Texas Penal Code §49.07     Texas Penal Code §49.08 & §12.33	<b>Intoxication Assault:</b> A person commits an offense if the person, by accident or mistake, operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes serious bodily injury to another. An offense under this section is a felony of the third degree which carries 2-10 years imprisonment and a fine of no more than \$10,000.  <b>Intoxication Manslaughter:</b> A person commits this offense if the person operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes the death of another by accident or mistake. An offense under this section is a felony of the second degree which carries 2-20 years imprisonment and a fine of no more than \$10,000.  A person who has killed another while driving a vehicle in a reckless or negligent manner while intoxicated may also be convicted of involuntary manslaughter with the use of "deadly weapon." Penal Code §1.07(a)(17)(B), <i>Ray v. State</i> , 880 S.W.2d 795 (Tex. App.- Houston [1st Dist.] 1994), <i>Martinez v. State</i> , 883 S.W.2d 771 (Tex. App.- Fort Worth 1994), <i>Tyra v. State</i> , 897 S.W.2d 796 (Tex. Cr. App. 1995), and <i>Hall v. State</i> , 935 S.W.2d 852 (Tex. App. – San Antonio 1996)
Utah	Utah Code Ann. § 41-6a-528    Utah Code Ann. § 76-5-207	<b>Serious Bodily Injury:</b> A person is guilty of reckless driving if they operate a vehicle with a willful or wanton disregard for the safety of others, or while committing three or more moving violations in a series of acts within a single continuous driving period. A violation is subject to a term of imprisonment not to exceed 6 months.  <b>Automobile Homicide:</b> <ul style="list-style-type: none"> <li>▪ <b>Third Degree Felony:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his/her conduct negligently causes the death of another person he/she may be sentenced to a term of imprisonment a term not to exceed five years.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ <b>Second Degree Felony:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content criminally negligently causes the death of another person he/she may be sentenced to a term of imprisonment no less than one year and no more than 15 years.</li> </ul>
Vermont	<p>Vt. Stat. Ann. tit. 23 § 1201</p> <p>Vt. Stat. Ann. tit. 23 § 1210(f) &amp; 1210(e)</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes great bodily harm, which creates a substantial risk of death; a substantial loss or impairment of a body function or organ; a substantial impairment of health; or, substantial disfigurement, he/she shall be fined no more than \$5,000 and imprisoned no more than 10 years. If a serious bodily injury results from a driver's third or subsequent DUI, they shall be imprisoned for no less than five years, unless the court provides written findings that a curtailed sentence serves the interests of justice and public safety.</p> <p><b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person he/she shall be fined not more than \$10,000 or imprisoned for no less than one year nor more than 15 years, or both. If a vehicular homicide results from a driver's third or subsequent DUI, they shall be imprisoned for no less than 5 years, unless the court provides written findings that a curtailed sentence serves the interests of justice and public safety.</p>
Virginia	<p>Va. Code Ann. § 18.2-51.4</p> <p>Va. Code Ann. § 18.2-36.1</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and in a gross, wanton and culpable manner as to show a reckless disregard for human life, unintentionally causes the serious injury of another person resulting in permanent and significant physical impairment shall be guilty of a Class 6 felony. A Class 6 felony is punishable by a term of imprisonment no less than 1 year, and no more than 5 years, or if at the discretion of the jury, one year in jail and a \$2,500 fine.</p> <p><b>Involuntary Manslaughter:</b> Any person who, as a result of driving under the influence causes the death of another person, shall be guilty of involuntary manslaughter. This is a Class 5 felony.</p> <p><b>Aggravated Involuntary Manslaughter:</b> If the conduct of the defendant was so gross, wanton and culpable as to show a reckless disregard for human life, he shall be guilty of aggravated involuntary manslaughter, a felony punishable by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment.</p>
Washington	<p>Wash. Rev. Code Ann. § 46.61.522</p> <p>Wash. Rev. Code Ann. § 46.61.520</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes substantial bodily harm to another, he/she is guilty of a Class B felony, which is punishable by a term of imprisonment not to exceed ten years, or a fine of \$20,000, or both.</p> <p><b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct proximately causes the death of another person within 3 years he/she shall be guilty of a class A felony, which is punishable by a term of imprisonment not to exceed 20 years.</p>

West Virginia	<p>W. Va. Code § 17C-5-2(c)</p> <p>W. Va. Code § 17C-5-2(b)</p>	<p><b>Serious Bodily Injury:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct proximately causes bodily injury to another person shall be imprisoned for no less than 2 years and no more than 10, and a fine of no less than \$1,000 and no more than \$3,000.</p> <p><b>Vehicular Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person is guilty of a felony and shall be imprisoned for no less than 3 years and no more than 15, and fined no less than \$1,000 and no more than \$3,000.</p>
Wisconsin	<p>Wis. Stat. Ann. § 346.62</p> <p>Wis. Stat. Ann. §§ 940.06, 940.09, and 940.10</p>	<p><b>Serious Bodily Injury:</b> If a person causes bodily harm or great bodily harm to another person by the negligent operation of a motor vehicle shall be fined no less than \$50 and no more than \$500, or imprisoned for not more than 1 year in the county jail and no more than 4 years.</p> <p><b>Vehicular Homicide:</b></p> <ul style="list-style-type: none"> <li>▪ If a person operates a vehicle and his conduct <i>recklessly</i> causes the death of another person or an unborn child is guilty of a Class D felony, which is punishable by a term of imprisonment for a term not to exceed 25 years.</li> <li>▪ If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes the death of another person or an unborn child is guilty of a Class D felony, which is punishable by a term of imprisonment for a term not to exceed 25 years.</li> <li>▪ If a person operates a vehicle and his conduct <i>negligently</i> causes the death of another person or an unborn child is guilty of a Class G felony, which is punishable by a term of imprisonment not to exceed 10 years.</li> </ul>
Wyoming	<p>Wyo. Stat. § 31-5-233(h)</p> <p>Wyo. Stat. Ann. § 6-2-106</p>	<p><b>Serious Bodily Injury:</b> If a person causes serious bodily injury, which creates a reasonable likelihood of death or serious permanent disfigurement or protracted loss or impairment of any bodily member or organ, to another person is subject to a fine of no less than \$2,000 and no more than \$5,000, a term of imprisonment of no more than 10 years, or both.</p> <p><b>Vehicular Homicide:</b> If a person operates a vehicle in a criminally negligent manner and his/her conduct is the proximate cause of the death of another person, he/she is guilty of homicide by vehicle and shall be fined no more than \$2,000 or imprisoned in county jail for no more than one year or both.</p> <p><b>Aggravated Homicide:</b> If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content operates her vehicle in a criminally negligent manner, and his/her conduct proximately causes the death of another person, he/she is guilty of aggravated homicide, which is punishable by a term of imprisonment not to exceed 20 years.</p>

**Source:** Westlaw 2016, NHTSA 2007, NCSL 2011, Updated 2016.