



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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**Impaired Driving with a Child in the Vehicle**

**August 2022**

<b>State</b>	<b>Statute(s)</b>	<b>Provisions</b>
<b>Alabama</b>	Ala. Code § 32-5A-191	(j) When any person over the age of 21 years is convicted of violating this section [Driving Under the Influence of Alcohol, Controlled Substance, etc.] 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 ignition interlock device is required by this section.
<b>Alaska</b>	Alaska Stat. Ann. § 11.51.100 (West)	(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.
<b>Arizona</b>	Ariz. Rev. Stat. Ann. § 28-1383	<b>A.</b> 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: Driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; classification (b) Section 28–1382: Driving or actual physical control while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification

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Arkansas	Ark. Code Ann. § 5-65-111 (West)	<p>(a)(1) A person who pleads guilty or nolo contendere to or is found guilty of driving while intoxicated, for a first offense, is upon conviction guilty of an unclassified misdemeanor and may be imprisoned for not less than:</p> <p>(A) Twenty-four (24) hours but no more than one (1) year; or  <b>(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.</b></p> <p>(b)(1) A person who pleads guilty or nolo contendere to or is found guilty of violating <a href="#">§ 5-65-103</a> 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:</p> <p>(A) Seven (7) days but no more than one (1) year; or  <b>(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.</b></p> <p>(c)(1) A person who pleads guilty or nolo contendere to or is found guilty of violating <a href="#">§ 5-65-103</a> 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:</p> <p>(A) Ninety (90) days but no more than one (1) year; or  <b>(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.</b></p> <p>(d) A person who pleads guilty or nolo contendere to or is found guilty of violating <a href="#">§ 5-65-103</a> 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:</p> <p>(1) One (1) year but no more than six (6) years; or  <b>(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.</b></p> <p>(e) A person who pleads guilty or nolo contendere to or is found guilty of violating <a href="#">§ 5-65-103</a> 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:</p> <p><b>(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.</b></p>
California	Cal. Veh. Code § 23152 (West)	(a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

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	Cal. Veh. Code § 23572 (West)	<p>(b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.</p> <p>(a) If any person is convicted of a violation of Section 23152 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:</p> <p>(1) If the person is convicted of a violation of Section 23152 punishable under Section 23536 [1<sup>st</sup> 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.</p> <p>(2) If a person is convicted of a violation of Section 23152 punishable under Section 23540 [2<sup>nd</sup> offense], the punishment shall be enhanced by an imprisonment of 10 days in the county jail, whether or not probation is granted, no part of which may be stayed.</p> <p>(3) If a person is convicted of a violation of Section 23152 punishable under Section 23546 [3<sup>rd</sup> offense], the punishment shall be enhanced by an imprisonment of 30 days in the county jail, whether or not probation is granted, no part of which may be stayed.</p> <p>(4) If a person is convicted of a violation of Section 23152 which is punished as a misdemeanor under Section 23550 [Multiple offenses in ten years], the punishment shall be enhanced by an imprisonment of 90 days in the county jail, whether or not probation is granted, no part of which may be stayed.</p>
<b>Connecticut</b>	Conn. Gen. Stat. Ann. § 14-227m (West)	<p>(a) No person shall operate a motor vehicle in which a child under eighteen years of age is a passenger while such person (1) is under the influence of intoxicating liquor or any drug or both, or (2) has an elevated blood alcohol content.</p> <p>(c) Any person who violates any provision of subsection (a) of this section shall:</p> <p>(1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than two thousand dollars, (B) be imprisoned not more than one year, thirty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of</p>

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		<p>such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j;</p> <p>(2) for conviction of a second violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than three years, one hundred eighty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for</p>

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		<p>the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center, a treatment program ordered by the Department of Children and Families or an appointment with a probation officer or Department of Children and Families caseworker; and</p> <p>(3) for a third or subsequent conviction of a violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111.</p>
<b>Delaware</b>	Del. Code Ann. tit. 21, § 4177 (West)	<p>(10) In addition to the penalties otherwise authorized by this subsection, any person convicted of a violation of subsection (a) of this section [no one shall drive a vehicle under the influence of alcohol], committed while a person who has not yet reached the person's seventeenth birthday is on or within the vehicle shall:</p> <p>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.</p>

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		<p>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.</p> <p>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.</p>
<b>D.C.</b>	D.C. Code Ann. § 50-2206.18 (West)	<p>Additional penalty for impaired driving with a minor in vehicle:</p> <p>(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:</p> <p>(1) Be fined a minimum of \$500 and not more than \$1,000 per minor; and</p> <p>(2) Be incarcerated for a mandatory-minimum term of incarceration of:</p> <p>(A) 5 days per minor if the minor or minors are restrained in, or by, an age-appropriate child passenger-safety restraint; or</p> <p>(B) 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.</p> <p>(b) The fines set forth in this section shall not be limited by § 22-3571.01.</p>
<b>Florida</b>	Fla. Stat. Ann. § 316.193 (West)	<p>(4) Any person who is convicted of a violation of subsection (1) [driving under the influence of alcohol] 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:</p> <p>(a) By a fine of:</p> <ol style="list-style-type: none"> <li>1. Not less than \$1,000 or more than \$2,000 for a first conviction.</li> <li>2. Not less than \$2,000 or more than \$4,000 for a second conviction.</li> <li>3. Not less than \$4,000 for a third or subsequent conviction.</li> </ol> <p>(b) By imprisonment for:</p> <ol style="list-style-type: none"> <li>1. Not more than 9 months for a first conviction.</li> <li>2. Not more than 12 months for a second conviction.</li> </ol> <p>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.</p>

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		<p>(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.</p>
<p><b>Georgia</b></p>	<p>Ga. Code Ann. § 40-6-391 (West)</p>          <p>Ga. Code Ann. § 16-12-1 (West)</p>	<p>(l) (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. <b>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.</b> An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of <u>Code Section 16-12-1</u>.</p> <p>(d) A person who is convicted of driving while impaired while transporting a child under the age of 14 years shall be punished as follows:</p> <p>(1) Upon conviction of an offense which resulted in the serious injury or death of a child, without regard to whether such offense was a first, second, third, or subsequent offense, the defendant shall be guilty of a felony and shall be punished as provided in subsection (e) of this Code section;</p> <p>(2) Upon conviction of an offense which does not result in the serious injury or death of a child and which is the first conviction, 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;</p> <p>(3) Upon conviction of an offense which does not result in the serious injury or death of a child and which is the second conviction, the defendant shall be guilty of a high and aggravated misdemeanor 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, or both fined and imprisoned; and</p>

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		<p>(4) Upon the conviction of an offense which does not result in the serious injury or death of a child and which is the third or subsequent conviction, the defendant shall be guilty of a felony and shall be fined not less than \$10,000.00 or shall be imprisoned for not less than one year nor more than five years, or both fined and imprisoned.</p>
<p><b>Hawaii</b></p>	<p>Haw. Rev. Stat. Ann. § 291E-61 (West)</p>	<p>Operating a vehicle under the influence of an intoxicant:</p> <p>(4) In addition to a sentence imposed under paragraphs (1) through (3), 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), (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; and</p> <p>(5) If the person demonstrates to the court that the person:</p> <p>(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</p> <p>(B) Is otherwise unable to drive during the revocation period, the person shall be absolutely prohibited from driving during the period of applicable revocation provided in paragraphs (1) to (4); provided that 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.</p>
<p><b>Idaho</b></p>	<p>Idaho Code Ann. § 18-1501 (West)</p>	<p>(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. 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.</p>



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	Idaho Code Ann. § 18-113 (West)	(1) Except in cases where a different punishment is prescribed in this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.
Illinois	625 Ill. Comp. Stat. Ann. 5/11-501	<p>(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.</p> <p>(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:</p> <p>(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;</p> <p>(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16</p> <p>(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.</p> <p>(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. <b>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.</b></p> <p>(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</p>

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		<p>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. <b>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.</b></p> <p>(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. <b>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.</b></p> <p>(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, 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. <b>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.</b></p>
<p><b>Indiana</b></p>	<p>Ind. Code Ann. § 9-30-5-3 (West)</p>	<p>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 if:</p> <p>(1) the person has a previous conviction of operating while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or</p> <p>(2) the person:</p> <p>(A) is at least twenty-one (21) years of age;</p> <p>(B) violates section 1(b) or 2(b) of this chapter; and</p>

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		<p>(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.</p> <p>(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony if:</p> <p>(1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury (IC 9-30-5-5); or</p> <p>(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).</p>
<p><b>Kansas</b></p>	<p>Kan. Stat. Ann. § 8-1567 (West)</p>	<p>(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.</p> <p><b>Before June 30, 2018 the statute read:</b></p> <p>(c) Any person convicted of violating this section [Driving under influence] or an ordinance which prohibits the acts that this section prohibits who had one or more children <b>under the age of 14 years</b> 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.</p>
<p><b>Kentucky</b></p>	<p>Ky. Rev. Stat. Ann. § 189A.010 (West)</p>	<p>(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:</p> <p>(f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.</p> <p>(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</p>

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		<p>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. <b>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></p> <p>(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. <b>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;</b></p> <p>(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. <b>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;</b></p> <p>(d) For a fourth or subsequent offense within a ten (10) year period, be guilty of a Class D felony. <b>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</b></p> <p>(e) For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state or jurisdiction, for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair one's driving ability, or any combination of alcohol and such substances, or while having an unlawful alcohol concentration, or driving while</p>

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		intoxicated, but shall not include convictions for violating subsection (1)(f) of this section. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction.
Louisiana	<p>La. Stat. Ann. § 14:98</p> <p>La. Stat. Ann. § 14:98.1 - .4</p>	<p>B. (1) This Subsection shall be cited as the “Child Endangerment Law”.</p> <p>(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:</p> <p>(a) Except as provided in Subparagraphs (b) and (c) of this Paragraph, the execution of the minimum mandatory sentence provided by <a href="#">R.S. 14:98.1</a> or 98.2, as appropriate, shall not be suspended.</p> <p>(b) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of <a href="#">R.S. 14:98.3</a>, the execution of the minimum mandatory sentence shall not be suspended.</p> <p>(c) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of <a href="#">R.S. 14:98.4</a>, the execution of the minimum mandatory sentence shall not be suspended.</p> <p>A. (1) Except as modified by the provisions of Paragraphs (2) and (3) of this Subsection, on a conviction of a first offense violation of <a href="#">R.S. 14:98</a>, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:</p> <p>(a) Serve forty-eight hours in jail, which shall not be suspended, or in lieu thereof, perform no less than thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.</p> <p>(b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing herein shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.</p>

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		<p>(c) Participate in a court-approved driver improvement program.</p> <p>(d) Except as provided by Subparagraph (3)(c) of this Subsection, the court may order that the offender not operate a motor vehicle during the period of probation, or such shorter time as set by the court, unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of <a href="#">R.S. 14:98.5(C)</a> and <a href="#">R.S. 32:378.2</a>.</p> <p>home incarceration, or the requirements of the drug division probation are completed, and the offender’s license shall be restricted.</p>
<b>Maine</b>	Me. Rev. Stat. tit. 29-A, § 2411	A person who violates the drunk driving statute while transporting a passenger under 21 must have his/her license suspended for an additional 275 days and be imprisoned for 48 hours. Further, the licensing agency has the authority to suspend the driver’s license for a longer period of time than indicated above for either an administrative per se violation or a drunk driving offense conviction.
<b>Maryland</b>	Md. Code Ann., Transp. § 21-902 (West)	<p>The statute has different sections with the following titles:</p> <ul style="list-style-type: none"> <li>-Driving while under the influence of alcohol; fines and penalties</li> <li>-Driving while impaired by alcohol; fines and penalties</li> <li>-Driving while under influence of drugs and/or alcohol; fines and penalties</li> <li>-Driving while under influence of controlled dangerous substance; fines and penalties</li> </ul> <p>Each section states that a person may not violate any of the above titles while transporting a minor. The penalties are the same for each violation. See below.</p> <p>(ii) A person convicted of a violation of this paragraph is subject to:</p> <ol style="list-style-type: none"> <li>1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both;</li> <li>2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both; and</li> <li>3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both.</li> </ol> <p>A person who is convicted of a third or subsequent offense under subsections a and d of this section within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.</p>

State	Statute(s)	Provisions
<b>Massachusetts</b>	Mass. Gen. Laws Ann. ch. 90, § 24V (West)	<p>Individuals who drive under the influence with a child under 14 are subject to:</p> <p>For a first offense, imprisonment between 90 days and 1.5 years and a \$1,000-\$5,000 fine. License suspension of one year.</p> <p>For repeat offenders, imprisonment between 6 months and 2.5 years and a \$5,000-\$10,000 fine. License suspension of three years.</p>
<b>Michigan</b>	Mich. Comp. Laws Ann. § 257.625 (West)	<p>A person who commits a DUI while a passenger under 16 is in the vehicle must pay a fine of \$200 to \$1,000. These offenders also are subject to a term of imprisonment of up to one year, 30 to 90 days of community service, or both.</p> <p>A person who commits a second DUI while a passenger under 16 is in the vehicle within seven years of a first conviction or within 10 years of two or more prior convictions for DUI is guilty of a felony. Offenders must pay a fine of \$500 to \$5,000. Offenders are also subject to - a) a term of imprisonment of one to five years; or b) probation with imprisonment in a county jail for 30 days to one year and 60 to 180 days of community service.</p>
<b>Minnesota</b>	Minn. Stat. Ann. § 169A.03 (West)	<p>Considered an “aggravating factor” if a child under the age of 16 is in the motor vehicle at the time of the offense, if the child is more than 36 months younger than the offender.</p>
<b>Mississippi</b>	Miss. Code. Ann. § 63-11-30 (West)	<p>A person over the age of 21 who commits a DUI while a passenger under 16 is in the vehicle commits a separate crime of “endangering a child by driving under the influence of alcohol or any other substance which has impaired such person's ability to operate a motor vehicle”.</p> <p>First offense if serious injury or death of child does not occur: Misdemeanor punishable by no more than \$1,000 fine and no more than 12 months imprisonment.</p> <p>Second offense if serious injury or death of child does not occur: Misdemeanor punishable by no less than \$1,000 fine and no more than a \$5,000 fine and/or imprisonment for 1 year.</p>

State	Statute(s)	Provisions
		<p>Third offense if serious injury to death of child does not occur: Felony punishable by no less than \$10,000 fine and/or imprisonment for 1-5 years.</p> <p>Offense which results in serious injury or death of a child: Felony punishable by no less than \$10,000 fine and imprisonment for no less than five years and no more than 25 years.</p>
<b>Montana</b>	Mont. Code Ann. § 61-8-1011 (West)	<p>Individuals who drive under the influence while a passenger under 16 is in the car are subject to:</p> <p>(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;</p> <p>(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</p> <p>(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.</p>
<b>Nebraska</b>	Neb. Rev. Stat. Ann. § 28-1254 (West)	It is a Class I misdemeanor, punishable separately from any other offense, to operate a vehicle under the influence if a passenger under the age of 16 is present in the vehicle.
<b>Nevada</b>	Nev. Rev. Stat. Ann. § 484C.430 (West)	If a child younger than 15 was a passenger in the vehicle at the time of the offense, such a fact shall be considered an aggravating factor when determining sentencing.
<b>New Hampshire</b>	N.H. Rev. Stat. Ann. § 265-A:18	If the DWI offender was transporting a person under 16 at the time of the offense, the offender's driving privileges must be revoked for the maximum time period provided by law, and will not be restored until completion of IDCMP screening within 14 days of conviction.



State	Statute(s)	Provisions
<b>New Jersey</b>	N.J. Stat. Ann. § 39:4-50.15 (West)	A parent or guardian who drives while intoxicated with a person who is under 17 in the car is guilty of a disorderly person's offense, and may be sentenced to imprisonment for no more than 6 months. Further, forfeiture of right to drive for no more than 6 months and community service for no more than 5 days.
<b>New York</b>	N.Y. Veh. & Traf. Law §§ 1192; 1193 (McKinney)	Individuals who drive with a blood-alcohol level greater than 0.08 who transport a passenger younger than 15 are guilty of a guilty of a class E felony, and shall be punished by a fine of not less than \$1,000 nor more than \$5,000 or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.
<b>North Carolina</b>	N.C. Gen. Stat. Ann. § 20-179	<p>Driving by the defendant while a child under 18, or a person with the mental development of a child under the age of 18 years, was in the vehicle at the time of the offense is a grossly aggravating offense in terms of sentencing. The judge must impose the Level One punishment.</p> <p>A defendant subject to Aggravated Level One punishment may be fined up to ten thousand dollars (\$10,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 12 months and a maximum term of not more than 36 months.</p>
<b>North Dakota</b>	N.D. Cent. Code Ann. §§ 39-08-01.4; 12.1-32-01 (West)	<p>It is a Class A misdemeanor (imprisonment term for not more than one year and/or a fine of not more than \$3,000) for anyone 21 or older to commit a DWI offense while transporting a "minor."</p> <p>Note: The term "minor" is not defined in the motor vehicle law (Title 39). However, North Dakota law usually defines a "minor" as anyone under age 18. (e.g., §14-10-01).</p>
<b>Ohio</b>	Ohio Rev. Code Ann. §§ 2919.22; 2929.14; 2929.18; 2929.21 (West)	<p>Individuals who drive under the influence with a passenger under the age of 18:</p> <p>If the violation did not result in serious physical harm, punishment for a misdemeanor of the first degree.</p> <p>If the violation results in serious physical harm to the child, or the offender has previously been convicted of a like offense, or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, punishment for a felony of the fifth degree. Imprisonment between 6 months and 1 year, fine of not more than \$2,500.</p> <p>In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender, the court may</p>

State	Statute(s)	Provisions
		also impose a class seven suspension of the offender's driver's or commercial driver's license or permit.
<b>Oklahoma</b>	Okla. Stat. Ann. tit. 21, § 852.1 (West)	A person who is the parent, guardian, or person having custody or control over a child commits child endangerment when the person: 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 Is the driver, operator, or person in physical control of a motor vehicle. Felony, punishable by imprisonment for no more than 4 years, no more than \$5,000 fine, or both.
<b>Oregon</b>	Or. Rev. Stat. Ann. § 813.010 (West)	In addition to other penalties, if an offender commits a DUI while a passenger under 18 is in the vehicle and the minor passenger is at least three years younger than the driver, the maximum fine is \$10,000.
<b>Pennsylvania</b>	75 Pa. Stat. and Cons. Stat. Ann. § 3803 (West)  18 Pa. Stat. and Cons. Stat. Ann. § 106 (West)	An individual who drives while intoxicated where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits a misdemeanor of the first degree, punishable by imprisonment for no more than 5 years.
<b>Rhode Island</b>	31 R.I. Gen. Laws Ann. § 31-27-2 (West)	An offender who is over 18 is subject to imprisonment for no more than 1 year if they were transporting a passenger under 13 at the time of the offense. 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 5 years and a fine up to \$5,000.
<b>South Carolina</b>	S.C. Code Ann. § 56-5-2947	A person 18 or older is guilty of "child endangerment" when the person drives under the influence with a passenger younger than 16 in the vehicle.  (B) Upon conviction, the person must be:  (1) fined not more than one-half of the maximum fine allowed for committing the violation in subsection (A)(1), when the person is fined for that offense;

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		<p>(2) imprisoned not more than one-half of the maximum term of imprisonment allowed for committing the violation listed in subsection (A)(1), when the person is imprisoned for the offense; or</p> <p>(3) fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.</p>
<b>Tennessee</b>	Tenn. Code Ann. § 55-10-403 (West)	(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.
<b>Texas</b>	Tex. Penal Code Ann. §§ 12.35; 49.045 (West)	If a person commits a DWI while a passenger younger than 15 is in the vehicle, the offender can be punished by between 180 days and 2 years imprisonment, and a possible \$10,000 fine. This offense is considered a state jail felony.
<b>Utah</b>	Utah Code Ann. §§ 41-6a-503; 76-3-204; 76-3-301 (West)	<p>A person who drives under the influence for a first or second time with a passenger under 16, (or was 21 years or older and had a passenger under 18) in the vehicle at the time of the offense commits a Class A misdemeanor, punishable by up to one year imprisonment and no more than a \$2,500 fine.</p> <p>A person is guilty of a separate Class A misdemeanor for each passenger in the vehicle at the time of the offense that is younger than 16 years old.</p>
<b>Virginia</b>	Va. Code Ann. § 18.2-270 (West)	Driving while intoxicated, 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.
<b>Washington</b>	Wash. Rev. Code Ann. § 46.61.5055 (West)	<p>(6) <b>Penalty for having a minor passenger in vehicle.</b> If a person who is convicted of driving under the influence and committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:</p> <p>(a) Order the use of an ignition interlock or other device for an additional 12 months;</p> <p>(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 and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;</p>

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		<p>(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 and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;</p> <p>(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 and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.</p>
<b>West Virginia</b>	W. Va. Code Ann. § 17C-5-2 (West)	A person who violates the drunk driving law while transporting a child younger than age 16 commits a misdemeanor and is subject to a jail term of two days to 12 months (with 48 hours of actual confinement mandatory) and/or a fine of \$200 to \$1,000.
<b>Wisconsin</b>	<p>Wis. Stat. Ann. § 343.31 (West)</p> <p>Wis. Stat. Ann. § 346.65 (West)</p>	<p>Any person convicted of operating a vehicle under the influence 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.</p> <p>(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 of operating a vehicle under the influence, 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.</p>
<b>Wyoming</b>	Wyo. Stat. Ann. § 31-5-233 (West)	<p>(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle while driving or having control of vehicle while under the influence shall be punished upon conviction as follows:</p> <p>(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;</p> <p>(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.</p>

State	Statute(s)	Provisions