

Child Endangerment Laws

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About Advocates

Founded in 1989, Advocates is a coalition of consumer, safety, public health and medical groups, and insurance companies and organizations

- All of the safety advances for which we advocate are research based.
- Advocates' unique alliance is the key to our success.

About Advocates

Advocates works at the federal, regulatory and state levels

- Work to advance highway and auto safety measures in Congress
- Robust regulatory program on all highway and auto safety issues
- Contribute to state legislative efforts throughout the country

25 Years of Advocacy and Action

Didone receives Highway Safety Hero award

GazetteNet
Maryland Community News Online

The Paramus Post
Senator Frank R. Lautenberg Highway Safety Leadership Award

Congressman Ted Poe (R-TX) Congressman John Lewis (D-GA) Senate Minority Leader Harry Reid (D-NV)

Roadmap of State Highway Safety Laws

Each year, Advocates publishes the *Roadmap of State Highway Safety Laws*

- Rates all 50 states and the District of Columbia on 15 basic highway safety laws
 - Adult and child occupant protection
 - Graduated Drivers Licensing (GDL) laws
 - Impaired Driving – *Including Child Endangerment and IID Laws*
 - Distracted Driving
- Each state is given an overall rating of green, yellow or red
 - In the 2015 Report, only 10 states and D.C. achieved a green rating
 - 31 states were rated yellow
 - 9 states were rated red

Roadmap of State Highway Safety Laws

The 2015 Report focused on “Lethal Loopholes”

Find the report at www.SafeRoads.org

Roadmap of State Highway Safety Laws

The Salt Lake Tribune

APHA (@PublicHealth - Jan 22) New report from @SafeRoadsNow finds loopholes in state highway safety laws put lives at risk: [go.nicely.LZ](#).

Business (@BainAdvisors - Jan 28) Natl traffic safety group ranks Hawaii among top 10 best in the U.S. By @RoseBernardo (sub req) [ow.ly/tDkAyT](#) @SafeRoadsNow

The Arizona Republic

Report: Arizona among most lax for highway-safety laws

APHA (@PublicHealth - Jan 22) 32K people were killed & 2.3M were injured in motor vehicle crashes in 2013. @SafeRoadsNow report offers solutions: [go.nicely.LZ](#)

NE 192

Report: IA Driving Laws Jeopardize Safety

Orlando Sentinel

Lawmakers must put teeth in no-texting law: Editorial

'Lethal loopholes' in Utah road safety laws criticized

Rebecca Kern (@rebeccakern - Jan 22) @SafeRoadsNow urges all states to pass an all-offender ignition interlock law to prevent drunk driving: [go.nicely.LZ](#)

Pittsburgh Post-Gazette

Happy trails: Pa. lawmakers must make the state's roads safer

Impaired Driving – The Problem

- Impaired driving is a serious safety threat
 - Nearly one-third of all traffic deaths in the U.S.
- Impaired driving also has a significant societal cost
 - \$49 billion in economic costs and almost \$200 billion in comprehensive costs
- New NHTSA research shows that drugged-driving is also emerging as a critical safety issue
 - Nearly one in four drivers tested positive

Impaired Driving - The Impact on Children

- In 2013, 200 children aged 14 and younger were killed
- CDC Study: 18% v. 31% children killed properly restrained
- National telephone survey sponsored by NHTSA: 46 million - 102 million drunk-driving trips each year are made with children under the age of 15 in the vehicle

Impaired Driving - Solutions

- **Ignition Interlock Devices (IIDs):** Mandates the installation of IIDs on the vehicles of all convicted drunk driving offenders.
- **Open Container Laws:** Prohibits open containers of alcohol in the passenger area of a motor vehicle.
- **Child Endangerment Laws:** Either creates a separate offense or enhances an existing penalty for an impaired driving offender who endangers a minor. No credit is given if applies only to drivers under 21 years of age.

Child Endangerment Laws

Child endangerment laws are enacted to encourage people to consider the consequences for younger passengers before they drive while impaired with a child in their vehicle.



Child endangerment laws provide penalties for drivers who needlessly imperil the lives and safety of their children.

In the News



Tracey Gold Faces 3 Felony DUI Counts

September 24, 2004



"Former *Growing Pains* star Tracey Gold is facing three felony counts from prosecutors following her DUI arrest earlier this month, in which she rolled her SUV while allegedly driving drunk on a California highway with her husband and kids in the vehicle."

Current Laws**Where do we stand?**
State Progress for All 3 Advocates' Recommended Impaired Driving Laws


Includes Ignition Interlocks for All Offenders, Open Container Laws, and, Child Endangerment Statutes

Child Endangerment Laws

46 States and the District of Columbia have enacted child endangerment laws that meet Advocates' optimal criteria

Currently, Connecticut, New Mexico, Rhode Island and Vermont still lack a child endangerment law

A Closer Look at Child Endangerment Laws

The definition allows for laws that *either* create a separate offense *or* enhance an existing DWI and DUI penalty

- **41 states and D.C. have statutes that enhance penalties for DUI convictions with a minor child passenger**
 - AL, AZ, AR, CA, DE, FL, GA, HI, ID, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, WI, and WY
- **25 states have statutes creating separate laws for child endangerment**
 - AL, AK, AR, CA, DE, HI, IL, IA, KS, KY, ME, MA, MN, MS, MO, MT, NV, NH, NY, OH, OK, PA, SC, TX and WY
- **21 states have both**

Source: National District Attorneys Association (NDAA)

Penalties

There is a wide range of penalties that can be imposed for breaking a child endangerment law

- **Enhancing the underlying impaired driving penalty:**
 - If the law only enhances the original impaired driving offense, penalties range from additional or doubling of fines, imprisonment, and community service.
 - Examples include:
 - **California:** 48 hours imprisonment
 - **Michigan:** Fine \$200 to \$1,000; Minimum 5 days imprisonment (up to one year)
 - **Delaware:** \$500 to \$1,500 fine; 40 hours of community service
 - **Oklahoma:** Double the fine
 - **Indiana:** Fine up to \$10,000 and 6 months to 2.5 years imprisonment

Source: NDAA

Penalties

There is a wide range of penalties that can be imposed for breaking a child endangerment law

- **Endangerment Enhancement Penalties:**
 - If there exists a statute separate from the original impaired driving offense, the penalties are jail time, fines, or both.
 - Examples include:
 - **North Carolina:** One to 60 days imprisonment and/or discretionary fine
 - **Iowa:** Up to two years imprisonment and/or a fine of \$625 to \$6,250
 - **Texas:** 180 days to two years imprisonment and/or fine not to exceed \$10,000
 - **Arkansas:** Up to six years imprisonment
 - **Oregon:** Up to \$10,000 maximum fine

Source: NDAA

Action Needed

4 states – Connecticut, New Mexico, South Dakota, and Vermont have no child endangerment protections that meet the optimal standard

- Bills pending in three of the four states:
 - Connecticut – H 5314
 - New Mexico – SB 499
 - Vermont – H 148
 - No bill in South Dakota

Action Needed

In addition to all states enacting child endangerment laws, states should also move to pass ignition interlock device laws for all offenders to protect children

- IIDs are an effective and important tool for reducing drunk driving
 - Large majority of Americans support requiring IIDs for all convicted drunk drivers, even if it is their first conviction
 - 82% of offenders themselves believe the IID was effective in preventing them from driving after drinking
 - NHTSA research shows that IIDs reduce recidivism among both first-time and repeat DWI offenders

Ignition Interlock Laws



Ignition Interlock Laws

| | Ignition Interlocks For All Offenders | Considering All Offender IID Bills in 2015 | Ignition Interlocks For All Offenders | Considering All Offender IID Bills in 2015 | Ignition Interlocks For All Offenders | Considering All Offender IID Bills in 2015 |
|----|---------------------------------------|--|---------------------------------------|--|---------------------------------------|---|
| AL | X | | KY | X (.15 BAC) | ND | |
| AK | X | | LA | X | OH | |
| AZ | X | | ME | X | OK | |
| AR | X | | MD | X | OR | X (pending intro) |
| CA | | X | MA | | PA | X (.10 BAC) |
| CO | X | | MI | | RI | |
| CT | X | | MI | X | SD | |
| DE | X | | MS | X | TN | X |
| DC | | | MO | X | TX | |
| FL | | | MT | | UT | X |
| GA | | X (Died) | NE | X | VA | |
| HI | X | | NV | | WA | X |
| ID | | | NH | X | WI | |
| IL | X | | NJ | | WV | X |
| IN | | | NM | X (passed legislature) | WV | X (pending intro BAC of .15 or greater) |
| IA | | X (Died) | NY | X | WV | |
| KS | X | | NC | | WV | |

Ignition Interlock Laws - Maryland Effort

- During the 2015 legislative session, Advocates has been working actively on legislation in Maryland to require drunk driving offenders convicted of operating a vehicle with a BAC of .08 or higher to participate in the state's IID program.
- A broad coalition that included victims, safety, health and industry groups as well as representatives from law enforcement and the Highway Safety Office testified in support of the bills at the hearings.

Successful Effort - Maryland Law

During the 2013 and 2014 legislative sessions, Advocates worked closely with Delegate Sam Arora (D-Montgomery County) and others to require drunk driving offenders convicted of operating a vehicle while transporting a minor to participate in the state's ignition interlock program.

- The measure was supported by a broad coalition that included safety, health and industry groups as well as representatives from law enforcement.
- This law was specifically aimed to protect minors who had been placed in dangerous and deadly situations through no choice or fault of their own.

Passage of Maryland H.B. 1015

The measure was signed into law by then-Governor Martin O'Malley (D) on May 15, 2014



Legislative Activity Lessons

Key takeaways when attempting to pass a law:

- Perseverance is critical
 - Legislative leadership is crucial
 - Strong coalitions are key
 - Make the job “easy” - Assist your supporters.

What Can You Do?

- **Send a support letter** to the sponsor or to the Committee
 - **Submit testimony** to all Committee hearings
 - **Engage your members**
 - Encourage them to contact their state legislators
 - **Write letters to the editors** of local papers
 - **Maximize social media**
 - When the bill passes the Legislature, **contact the Governor's office** and urge them to sign

Questions?

Find more information on our website at
www.SafeRoads.org
(which will soon be “under construction”)

Follow us on Twitter @SafeRoadsNow
