

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

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

People



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."

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

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- 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



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
