



**CAMPAIGN TO  
ELIMINATE  
DRUNK DRIVING**

**Johanna Krebs  
Victim Services Specialist  
Mothers Against Drunk Driving  
Before the House Judiciary Committee  
March 19, 2012**

SB 421

**Testimony in Support of a Child Endangerment Law for Connecticut**

My name is Johanna Krebs, Victim Services Specialist for Connecticut Affiliate of Mothers Against Drunk Driving. Thank you for the opportunity to testify in support of a Child Endangerment Law for Connecticut.

Mothers Against Drunk Driving believes this Committee should support a revision of the current Risk of Injury to a Minor law currently in place. Current law is difficult for police to arrest under and difficult for prosecutors to win a conviction. Connecticut is one of thirteen states lacking a separate or enhanced penalty on a driver charged with DUI who was transporting a child (age 15 or less) when charged. Every child deserves a sober designated driver.

Driving drunk with a child passenger in a vehicle is a form of child abuse. For those who are convicted of driving drunk with a child passenger in a vehicle or for injuring or killing a child passenger in a vehicle, it is time for the punishment to fit the crime. Mothers Against Drunk Driving urges this committee to look at New York state and how they improved their DUI child endangerment law.

The new DUI child endangerment penalties in New York include:

- First time offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle may be charged with a class E felony punishable by up to 4 years in State prison.

- Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended pending prosecution.
- Courts must order all drivers convicted of Child Endangerment install and maintain an ignition interlock on any vehicle owned and operated by such driver for at least 6 months, in addition to any term imprisonment.
- Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car may be charged with a Class B felony, punishable by up to 25 years in State prison.
- Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with the Class C felony, punishable by up to 15 years in State prison.
- Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the Statewide Central Register of Child Abuse and Maltreatment by the arresting agency.

In conclusion, MADD respectfully requests that the Judiciary Committee take a hard look at the current Risk of Injury to a Minor law and revise it to include Child Endangerment language.

Thank you.



Mothers Against Drunk Driving  
madd.org/ct

317 Foxon Road  
East Haven, CT 06513

203.764.2566 direct  
800.544.3690 victim support  
ct.state@madd.org

Motor vehicle crashes are the leading cause of death for ages 3 to 14.1

In 2009, 14 percent of the children age 14 and younger who were killed in motor vehicle crashes were killed in alcohol-impaired crashes.<sup>2</sup> Of the 181 children 0 to 14 years old who were killed in alcohol-impaired driving crashes during 2009, 92 (51 percent) of those killed were passengers in vehicles with drivers had a BAC level of .08 or higher.<sup>3</sup>

A child in a vehicle with a drinking driver is not only at risk from the impaired driver, but also from the lack of safety restraint use (like a seat belt or child safety seat), as drinking drivers are much less likely to make sure a child is properly restrained. Specifically, in fatal crashes, sober drivers had restrained their children 30.5 percent of the time, compared with only 18 percent for drinking drivers.<sup>4</sup>

MADD believes that driving under the influence of alcohol or other drugs is criminal and irresponsible. Having a child in the car elevates this criminal act to child abuse.

Black's Law Dictionary defines child abuse as:

When a child's parent or custodian, by reason of cruelty, mental incapacity, immorality or depravity, is unfit to properly care for him or her, or neglects or refuses to provide necessary physical, affectional, medical, surgical or institutional care for him or her or is under such improper care or control as to endanger his or her morals or health.

Clearly, driving under the influence with a child in the vehicle – child endangerment – is "improper care... so as to endanger his or her morals or health" and thus constitutes child abuse.

Thus, additional sanctions should be placed on those who drive under the influence with a child in the vehicle – regular sanctions and treatment are not enough.

41 states and the District of Columbia have laws enhancing penalties for those who drive drunk with a child passenger in a vehicle. The laws vary widely in severity and definition of a child passenger. For example in New York it is a felony to drive drunk with a child passenger under the age of 16. Whereas in Wisconsin, the same offense is a misdemeanor.

1 National Highway Traffic Safety Administration. "Traffic Safety Facts 2008: Children." DOT 811 157. Washington

DC: National Highway Traffic Safety Administration, 2009. [www-nrd.nhtsa.dot.gov/pubs/811157.pdf](http://www-nrd.nhtsa.dot.gov/pubs/811157.pdf)

2 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.

3 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.

4 Quinlan, Kyran, et al. "Characteristics of Child Passenger Deaths and Injuries Involving Drinking Drivers." Journal of the American Medical Association 283 (17) (2000):2249-52. <http://jama.ama-assn.org/cgi/content/abstract/283/17/2249>

**New York's Leandra's Law:  
National Model for DUI Child Endangerment Law**

In November 2009, New York enacted comprehensive DUI Child endangerment laws including making it a felony to drive drunk with a child passenger in a vehicle. Only three states besides New York have laws have similar felony laws for those who drive drunk with a child passenger in a vehicle: Arizona, Oklahoma, and Texas.

**Key provisions of Leandra's Law.**

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First time offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle may be charged with a class E felony punishable by up to 4 years in State prison.

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Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended pending prosecution.

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Courts must order all drivers convicted of a misdemeanor or felony DWI (regardless if child passenger was in the vehicle) to install and maintain an Ignition interlock on any vehicle owned and operated by such driver for at least 6 months, in addition to any term imprisonment. The Department of Probation and Correctional Alternatives will issue regulations that will provide counties with different options for supervising the use of interlocks, so as to ensure that they can determine the most appropriate mechanism for their needs.

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Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car may be charged with a Class B felony, punishable by up to 25 years in State prison.

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Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with the Class C felony, punishable by up to 15 years in State prison.

.  
Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the Statewide Central Register of Child Abuse and Maltreatment by the arresting agency.

Leandra's Law in New York is a national model for other states to follow when improving their DUI Child Endangerment Laws. Such improvements are necessary given the patchwork of DUI laws relating to child endangerment.