



**CAMPAIGN TO
ELIMINATE
DRUNK DRIVING**

March 17, 2014

Testimony in Support H.B. 5344

"An Act Concerning Child Endangerment While Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor or Drugs"

My name is Janice Heggie Margolis, Executive Director for Mothers Against Drunk Driving (MADD) Connecticut. Thank you for the opportunity to submit testimony before the Judiciary Committee on H.B. 5344, "AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

MADD CT believes this Committee should support a revision of the Risk of Injury to a Minor law currently in place. We respectfully request that it be named a Child Endangerment Law and that it be inserted into the current DUI Statue under section 14-227j making it Class C Felony punishable up to 5 years in prison. **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.

The DUI child endangerment penalties in Connecticut would 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 C felony punishable to by up to 5 years in 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 1 year.
- 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 20 years in 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 10 years in 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 CT Department of Children and Families.

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
National Office
madd.org

1025 Connecticut Ave., NW
Suite 1210
Washington, DC 20036

877.ASK.MADD
877.MAOD.HELP victim support
972.869.2206 Fax

Child Endangerment

In 2012, 20 percent of the children age 14 and younger who were killed in motor vehicle crashes were killed in alcohol-impaired crashes. Of the 239 children 0 to 14 years old who were killed in alcohol-impaired driving crashes during 2012, 124 (52 percent) of those killed were passengers in vehicles with drivers had a BAC level of .08 or higher.¹

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.²

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.

46 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. In Wisconsin, the same offense is a misdemeanor.

Revised January 2014

¹ National Highway Traffic Safety Administration. “Traffic Safety Facts 2011: Children. <http://www-nrd.nhtsa.dot.gov/Pubs/811767.pdf>

² 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 five other states besides New York have laws have similar felony laws for those who drive drunk with a child passenger in a vehicle: Alaska, Arizona, Indiana, Oklahoma, and Texas.

Key provisions of Leandra's Law.

- 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 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.
- 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.

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.

DUI Child Endangerment Laws

State	Law Description
Alabama	<p>If passenger is under 14 and driver is over 21, sentenced to double the minimum sanctions that would be given if child not present. The offender's license will be suspended for 90 days, after which an ignition interlock will be installed in their car for 2 years.</p> <p style="text-align: right;"><i>AL ST § 32-5A-191(n) and (p)</i></p>
Alaska	<p>A person commits the crime of endangering the welfare of a minor (under 16 years of age) in the first degree (a felony) if the person transports a child in a motor vehicle, aircraft, or watercraft while impaired.</p> <p>a) A person commits the offense of endangering the welfare of a child in the second degree if the person, while caring for a child under 10 years of age,</p> <p style="padding-left: 40px;">(1) causes or allows the child to enter or remain in a dwelling or vehicle in which a controlled substance is stored in violation of AS 11.71; or</p> <p style="padding-left: 40px;">(2) is impaired by an intoxicant, whether or not prescribed for the person under AS 17.30, and there is no third person who is at least 12 years of age and not impaired by an intoxicant present to care for the child.</p> <p style="text-align: right;"><i>AK ST Sec. 1.51.100. & 11.51.110.</i></p>
Arizona	<p>Person commits a class 6 Felony to drive drunk with a child under the age of 15 in a vehicle. Sanctions: Imprisonment -first offense- one year; with one prior felony conviction-one to 2.5 years, with two or more prior felony convictions-three to 4.5 years; fine-\$150,000.</p> <p><i>AZ Rev. Stat. Ann. §§13-604(A),(C) (U), 13-701(C), 13-801, 28-1383(A) (3), (F), (G) and (L) (2)</i></p>
Arkansas	<p>If Person Under 16 Years Old Is Passenger: First offense – Not less than 7 days or more than 1 year; Second offense (within 5 years) – Not less than 30 days or more than 1 year or no fewer than 60 days community service; Third offense (within 5 years of 1st offense) – Not less than 120 days or more than 1 year or no fewer than 120 days community service; Fourth offense (within 5 years of 1st offense) (Felony) – At least 2 years but not more than 6 years or not less than 2 years community service; Fifth or subsequent offense (within 5 years of 1st offense) (Felony) – At least 3 years but not more than 10 years or not less than 3 years community service.</p> <p style="text-align: right;"><i>AR ST § 5-65-111; AR ST § 5-65-112</i></p>
California	<p>If passenger is under 14, the following jail sanctions are imposed: First offense-48 continuous hours. Second offense-10 days. Third offense-30 days. Fourth offense-90 days.</p> <p style="text-align: right;"><i>Cal. Vehicle Code §23572</i></p>

DUI Child Endangerment Laws

State	Law Description
Colorado	<p>Knowingly or recklessly committing an act that either kills or injures a child under 16 years old) is child abuse. If death results, it is a Class 2 felony, which carries a term of 8-24 years in prison and/or a fine of \$5,000 – \$1,000,000. If injury results, it is a Class 3 felony, which carries a term of 4-12 years in prison and/or a fine of \$3,000 – \$750,000. Mandatory parole is 5 years for both felonies.</p> <p><i>CO ST § 18-1.3-401; CO ST § 18-6-401(1), (2), (7)(a)(I), (III); People v. Deskins, 927 P. 2d 368 (Colo 1996).</i></p>
Connecticut	None
Delaware	<p>If passenger is under 17: 1) 40 hours community service and \$230-\$1,150 fine. Subsequent convictions: 80 hours community service and \$575-\$2,300 fine. These sanctions do not apply to first offenders who are participating in the probation before judgment program.</p> <p style="text-align: right;"><i>Del. Code Ann. 21 §4177(d) (5) 21 §4177B</i></p>
D.C.	<p>For any drunk-driving offense conviction where there was a passenger ≤ 17 years old, the driver is subject to an additional fine of not less than \$500 or more than \$1,000 per minor and 5 days of incarceration if the child is properly restrained and 10 days if the child is not properly restrained</p> <p style="text-align: right;"><i>DC ST § 50-2201.05(b)(1)(D).</i></p>
Florida	<p>If passenger is under 18: first offense: Up to nine months in prison and a fine range from \$1,000 to \$2,000. An ignition interlock is required for six months too. Second offense: up to 12 months in prison and \$2,000-\$4,000 fine. An ignition interlocks is required for at least two years.</p> <p style="text-align: right;"><i>FL ST § 316.193 (4)</i></p>
Georgia	<p>It is a separate offense to transport a child under the age of 14 years while driving under the influence. The sanctions for this offense are as follows: first or second offense (misdemeanor) – imprisonment for not more than 12 months and/or a fine of not more than \$1,000; third or subsequent offense (felony) – imprisonment for not less than 1 year or more than 3 years and/or a fine of not less than \$1,000 or more than \$5,000. This offense shall not be merged with the offense of driving under the influence of alcohol/drugs, for purposes of prosecution and sentencing.</p> <p style="text-align: right;"><i>GA ST § 16-12-1(d); GA ST § 40-6-391(l)</i></p>
Hawaii	<p>Offenders older than 18 years old who were operating a motor vehicle with a passenger younger 15 years old at the time of the offense are subject to the following additional mandatory sanctions: (1) A mandatory fine of \$500; and (2) 48 consecutive hours of imprisonment. However, the total imprisonment time imposed for first, second or third offenses cannot exceed the maximum term of imprisonment provided for first, second and subsequent DUI offenses. (1), (2), or (3).</p> <p style="text-align: right;"><i>HI ST § 291E-61(b)(5)</i></p>

DUI Child Endangerment Laws

State	Law Description
Idaho	<p>It is an offense for a person older than 18 years old to operate a motor vehicle in violation of the drunk-driving laws while transporting a "minor." No injury/death (misdemeanor) – Not more than 6 months and may be fined not more than \$1000; Injury or death (felony) – Not more than 10 years (unless a more severe penalty is otherwise prescribed by law).</p> <p style="text-align: right;"><i>ID ST § 18-113; ID ST § 18-1501(3)</i></p>
Illinois	<p>Jail Sanctions are enhanced as follows if the driver was transporting anyone younger than age 16. A person age 21 or older convicted of DUI while transporting a person under the age 16 is subject to six months of imprisonment, an additional mandatory minimum fine of \$1,000, and an additional mandatory minimum 140 hours of community service which shall include 40 hours of community service in a program benefiting children. Second violations with no bodily harm within 10 years is a Class 4 felony, and is subject to one year imprisonment, 25 days of mandatory community service in a program benefiting children, and a mandatory fine of \$2,500. Penalties are increased if bodily harm to child under age 16 being transported by the person. The violation is a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of \$2,500 and 25 days of community service in a program benefiting children. If repeated within 10 years, 18 months of imprisonment and mandatory fine of \$5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service for any child endangerment violations is not subject to suspension, nor is the person eligible for a reduced sentence.</p> <p style="text-align: right;"><i>625 ILCS 5/11-501 (c-5)</i></p>
Indiana	<p>Any person operating while intoxicated under is elevated to Class D Felony if at least one occupant is under 18 years old. This enhancement brings the misdemeanor charge to a felony.</p> <p style="text-align: right;"><i>Indiana Code 9-30-5-3(a)(2)(c)</i></p>
Iowa	<p>If passenger is under 14: no injury: 2 years, fine not more than \$5,000; injury: not more than 10 years and \$1,000-\$10,000 fine. If there are more than 3 offenses with the same child in the same year with one offense resulting in an injury: up to 50 years.</p> <p style="text-align: right;"><i>(case law)</i></p>
Kansas	<p>If passenger is under 14 years; offender's punishment is enhanced by one month of imprisonment which 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. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.</p> <p style="text-align: right;"><i>KS ST § 8-1567(h)</i></p>
Kentucky	<p>Operating a vehicle while transporting a passenger under the age of 12 is an aggravating circumstance and the mandatory minimum prison term will be increased.</p> <p style="text-align: right;"><i>KY ST § 189A.010(5)(a)-(d)</i></p>

DUI Child Endangerment Laws

State	Law Description
Louisiana	<p>A DWI offender is subject to the following mandatory sanctions if a child age 12 or younger was a passenger in a vehicle driven by the offender at the time of the offense: First offense-10 days jail/\$125 fine; second offense-30 days jail/\$300 fine; third offense-30 days jail; fourth and subsequent offense-two years jail.</p> <p style="text-align: right;"><i>LA R.S. § 14:98(J)</i></p>
Maine	<p>An offender with a passenger under the age of 21 shall have an additional 275 days of suspension. The licensing agency has the authority to suspend a 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.</p> <p style="text-align: right;"><i>ME ST TI 29-A §§2411(5) (G) and 2451 (5)</i></p>
Maryland	<p>If passenger is a under 18 and driver is intoxicated per se, first offense: 2 years and \$2000 fine. Second offense: 3 years and \$3,000 fine. Third or subsequent: 4 years and \$4,000 fine. If passenger is a "minor" and driver is under the influence: 1) 6 months and \$1,000 fine 2+) 1 year and \$2,000.</p> <p style="text-align: right;"><i>MD TRANS § 27-101</i></p>
Massachusetts	<p>If passenger is under 14: first offense, 90 days-2.5 years in jail and a fine between \$1000-\$5000. For repeat offenders, imprisonment for not less than six months nor more than 2.5 years and a fine between \$5000-\$10,000.</p> <p style="text-align: right;"><i>MA ST 90 § 24(1)(a)(1); MA ST 90 § 24L; MA ST 90 § 24V; MA ST 274 § 1</i></p>
Michigan	<p>A person who commits a DUI while a passenger under the age 16 is in the vehicle must pay a fine of \$200 to \$1000 and are subject to a term of imprisonment of up to one year, 30 to 90 days of community service or both. A person who commits a second DUI with a passenger under 16 in the vehicle within seven years of a first convictions or within 10 years or two or more prior convictions for DUI is guilty of a felony. Offenders must pay a fine of \$500 to \$5000. Offenders are also subject to: a) a term of imprisonment of one to 5 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> <p style="text-align: right;"><i>Mich. Comp. Laws. §257.625</i></p>
Minnesota	<p>having a child under 16 in the motor vehicle at the time of the offense and such child is more than 36 months younger than the offender is considered an aggravating factor or gross misdemeanor.</p> <p style="text-align: right;"><i>MN ST § 169A.03</i></p>

DUI Child Endangerment Laws

State	Law Description
Mississippi	<p>If passenger is under 16, an offender shall be fined not more than \$1000 and/or imprisoned not more than to twelve months. For a second conviction, an offender shall be fined not less than \$1000 or more than \$5000 and/or shall be imprisoned for one year. For a third conviction, an offender shall be charged with a felony and shall be fined not less than \$10,000 and/or shall be imprisoned not less than one year nor more than five years. If death or serious injury result, the offender shall be guilty of a felony and be punished with a fine of not less than \$10,000 and shall be imprisoned not less than five years nor more than twenty-five years</p> <p style="text-align: right;"><i>MS § 63-11-30</i></p>
Missouri	<p>Driving drunk with a while a child less than seventeen years old present in the vehicle is a class A misdemeanor.</p> <p style="text-align: right;"><i>MO § 568.045 and 568.050</i></p>
Montana	<p>If passenger is under 16, penalty of imprisonment for not less than 48 consecutive hours nor more than 20 consecutive days and a fine of not less than \$600 or greater than \$2000. For a Second Offense, the penalty not less than 14 days or more than 12 months and not less than \$1,200 or more than \$2,000. For a third offense, the penalty is not less than 60 days or more than 12 months and a fine of not less than \$2,000 or more than \$10,000.</p> <p style="text-align: right;"><i>MT Code Ann. §61-8-714</i></p>
Nebraska	<p>It is a Class 1 misdemeanor, punishable separately from any other offense, to operate a vehicle under the influence if a passenger under the age of 17 is present in the vehicle.</p> <p style="text-align: right;"><i>NE ST. §2 Section 28-101</i></p>
Nevada	<p>If passenger is under 15: court shall consider this an aggravating factor in sentencing.</p> <p style="text-align: right;"><i>NV ST. §§484.3792(7) and 484.3795(4)</i></p>
New Hampshire	<p>If the DWI offender was transporting a person under 16 years old at the time of the offense, the offender must have their driving privileges revoked for the maximum time period provided by law.</p> <p style="text-align: right;"><i>NH ST § 265A-18(XI)</i></p>
New Jersey	<p>If passenger is 17 years old or younger, person is guilty of a "disorderly persons offense" and will incur for the first offense a fine between \$25 and \$100 and no jail, for a second offense no more than 90 days in jail, and community service for 5 days to 6 months.</p> <p style="text-align: right;"><i>NJ ST § 39:4-50.15</i></p>
New Mexico	None

DUI Child Endangerment Laws

State	Law Description
New York	<p>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. 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.</p> <p style="text-align: right;"><i>N.Y. Vehicle and Traffic Law §11921. Subdivison 2-a</i></p>
North Carolina	<p>If passenger is under 16: 7 days-12 months, fine no more than \$2,000; with mitigating circumstances-30 days-24 months, fine no more than \$4,000.</p> <p style="text-align: right;"><i>N.C. Gen. Stat. § 20-179(c)</i></p>
North Dakota	<p>If impaired driver is under 21 with "minor" in car: prison no more than 1 year, fine no more \$1,000.</p> <p style="text-align: right;"><i>NDCC § 12.1-32-01; NDCC § 39-08-01.4</i></p>
Ohio	<p>If passenger is under 18. First offense prison no more than 6 months and/or fine no more than \$1,000. First offense with serious injury: 6-12 months and/or fine no more than \$2,500; subsequent child endangerment offense with serious injury or serious injury where impaired driver has previous drunk driving offense convictions: 6-18 months and/or fine no more than \$5,000 and no more than 200 hours of community service and license suspension for 90 days.</p> <p style="text-align: right;"><i>OH ST § 2919.22(C)(1), (E); OH ST § 2929.14; OH ST § 2929.18; OH ST § 2929.21.</i></p>
Oklahoma	<p>Any person age 18 or older who violates a DUI law while transporting or having any child less than 18 years old shall be subject to an enhanced penalty in the form of a doubled fine. Said driver may also be prosecuted for Felony Child Endangerment.</p> <p style="text-align: right;"><i>OK ST TI 47 § 11-902(M); OK ST TI 21 § 852.1</i></p>
Oregon	<p>In addition to other penalties, if an offender commits a DUI while a passenger under the age of 18 is in the vehicle and minor passenger is at least three years younger than the driver, the maximum fine is \$10,000.</p> <p style="text-align: right;"><i>OR ST §813.010</i></p>
Pennsylvania	<p>If the passenger is under 18; for first offense, fine not less than \$1000 and complete 100 hours of community service. For second offense, fine not less than \$2500 and one month to six months imprisonment. For third offense, six months to two years imprisonment</p> <p style="text-align: right;"><i>PA Title 75 Section 3803(b)</i></p>

DUI Child Endangerment Laws

State	Law Description
Rhode Island	<p>An offender who is over 18 years old is subject to an imprisonment term of not more than 1 year if he/she was transporting a passenger under 13 years old at the time of the offense.</p> <p style="text-align: right;"><i>RI ST § 31-27-2(d)(4)</i></p>
South Carolina	<p>If driver is under 18 and drives impaired or had a death/serious bodily injury driving offense while transporting a child under 16: subject to additional jail and fine sanctions which are equal to not more than half maximum jail and fine sanctions for these offenses. Sanctions are mandatory if the jail or fine sanctions have been imposed for the original offense. Driving privileges must be suspended for 60 days.</p> <p style="text-align: right;"><i>SC ST § 56-5-2947</i></p>
South Dakota	None
Tennessee	<p>If passenger is under 18: no injury or death 30 days-11 months 29 days; injury- 2-12 years, fine no more than \$5,000; death- 3-15 years, fine no more than \$10,000. Any convicted drunk driver is required to use an interlock if a child passenger under the age of 18 is in the vehicle upon DUI arrest.</p> <p style="text-align: right;"><i>TN ST §40-35111(b), 55-10-403(a)(1)(B) and 37-1-403(d)(2)</i></p>
Texas	<p>If passenger is under 15 years of age– Not less than 180 days or more than 2 years and a fine of not more than \$10,000 may be imposed. This offense is considered a state jail felony.</p> <p style="text-align: right;"><i>TX Penal § 12.35; TX Penal § 49.045</i></p>
Utah	<p>First or second DWI, where there 1) is an injury related to negligent action or 2) a passenger is younger than 16 (child endangerment) or 3) the driver is 21 or older and driving with a passenger younger than 18--Class A misdemeanor-not more than one year in jail.</p> <p style="text-align: right;"><i>UT ST §41-6-44, 76-3-203(3) and 76-3-204</i></p>
Vermont	None
Virginia	<p>If passenger is under 17: \$500-\$1,000 fine and a mandatory minimum of five days in jail. Subsequent offense: mandatory fine of \$500 to \$1000 and community service of mandatory 80 hours benefiting children.</p> <p style="text-align: right;"><i>VA ST § 18.2-270(D)</i></p>

DUI Child Endangerment Laws

State	Law Description
Washington	<p>If passenger is under 16: interlock for an additional six months and \$100 fine for a first offense, up to \$5000 for a second offense within seven years. For each child passenger under 16, an additional 12 months shall be added to a sentence for vehicular homicide.</p> <p style="text-align: right;"><i>RCW 46.61.5055 and RCW 9.94A.533</i></p>
West Virginia	<p>If passenger is under 16, Not less than 2 days or more than 12 months (with 48 hours of actual confinement mandatory) and not less than \$200 or more than \$1,000.</p> <p style="text-align: right;"><i>WV ST § 17C-5-2(i)</i></p>
Wisconsin	<p>If passenger is under 16 or an unborn child: maximum imprisonment and fine sanctions are doubled and the revocation period is 10 years. Driving drunk with a child passenger under the age of 16 is a criminal misdemeanor with a fine of \$350 to \$1,110 and imprisonment for not less than five days nor more than six months.</p> <p style="text-align: right;"><i>WI ST § 343.31(3) (c) and 94.09(1b), 346.65(2) (f) and (3), 346.65 (2) (f) 1</i></p>
Wyoming	<p>If DUI offender is 18 years old or older with a child passenger, for a first offense, be imprisoned for up to a year, and fined up to \$750, or both</p> <p style="text-align: right;"><i>WY ST § 31-5-233(m) and (i)</i></p>