



HEATSTROKE DEATHS OF CHILDREN LEFT IN VEHICLES IN SOUTHERN U.S. STATES

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HEAT STROKE DEATHS

According to the University of San Francisco's Department of Earth and Climate Sciences, from 1998-2014, 623 children in the U.S. died from heatstroke after being left unattended in vehicles (an average of 38 children per year).

Approximately 30% of those children were under age one when they died.

Source: [Heat Stroke Deaths of Children in Vehicles](#), University of San Francisco, Department of Earth and Climate Sciences.

QUESTION

What are the laws and associated penalties in southern U.S. states for heatstroke-related deaths resulting from leaving a child in a vehicle unattended? How many such fatalities occurred in those states in the past five years? Is there a correlation between the incidents and associated penalties?

SUMMARY

For this report, we examined laws and data for Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, and Texas. Of these states, three (Florida, Louisiana, and Texas) specifically criminalize the act of leaving a child unattended in a motor vehicle. The Texas and Louisiana laws have been in place for over a decade; the Florida law took effect in January, 2013. The other five states do not specifically criminalize this behavior, but they all have laws under which, depending on the circumstances, someone may be charged when a child dies after being left unattended in a hot vehicle. These include murder, manslaughter, and risk-of-injury to a minor statutes.

From 2009-2013, a reported 100 children died in these states after being left unattended in a hot vehicle, according to the University of San Francisco's Department of Earth and Climate Sciences. Because of the limited data and the limited number of statutes that specifically address this issue, we were unable to determine whether there is a correlation between the severity of the penalty and

the number of these deaths. But Texas, which had the most deaths (38), criminalizes leaving a child unattended (punishable by a \$500 fine) while New Mexico, which had the fewest deaths (2), does not specifically criminalize this behavior.

Please see OLR report [2014-R-0202](#) for relevant laws and data for New York and the New England states.

LEGISLATION PROHIBITING LEAVING A CHILD UNATTENDED IN A VEHICLE

Florida

Under Florida law, it is a second degree misdemeanor, punishable by up to 60 days in prison and a \$500 fine, for a person responsible for a child under age six to leave the child unattended or unsupervised in a motor vehicle for more than 15 minutes. It is a noncriminal traffic infraction, punishable by a fine between \$50 and \$500, to leave the child unattended or unsupervised for any period of time if (1) the vehicle is running, (2) the child's health is in danger, or (3) the child appears to be in distress. It is a class C felony, punishable by up to five years in prison and a \$5,000 fine, if the action, in either case, results in great bodily harm, permanent disability, or permanent disfigurement to the child ([Fla. Stat. § 316.6135](#)).

Louisiana

Louisiana law prohibits a driver or vehicle operator from leaving a child under age six unattended or unsupervised in a motor vehicle. A child is (1) "unattended" if left in the vehicle when the driver or operator is more than 10 feet away and unable to continuously observe him or her and (2) "unsupervised" if left unattended and a person age 10 or older is not also in the vehicle. A violation is punishable by up to six months imprisonment, up to a \$500 fine, or both. Each subsequent violation is punishable by one to two years imprisonment ("with or without hard labor"), a fine between \$1,000 and \$2,000, or both ([La. Rev. Stat. § 295.3](#)).

Texas

Under Texas law, it is a class C misdemeanor, punishable by a fine of up to \$500, for a person to intentionally or knowingly leave a child in a vehicle for over five minutes, if the person knows that the child is (1) under age seven and (2) not in the vehicle with someone who is at least age 14 ([Tex. Penal Code § 22.10](#)).

DATA ON CHILD HEATSTROKE DEATHS

Table 1 shows five-year data (2009-2013) on reported heatstroke deaths of children left in vehicles in eight southern U.S. states.

Table 1: Child Heatstroke Deaths (2009-2013)

<i>State</i>	<i>Deaths</i>					
	2009	2010	2011	2012	2013	Total
Alabama	0	2	1	1	4	8
Arizona	0	3	0	1	2	6
Florida	9	6	2	3	5	25
Georgia	0	3	3	0	0	6
Louisiana	3	1	2	2	1	9
Mississippi	0	1	1	2	2	6
New Mexico	0	1	0	1	0	2
Texas	6	13	9	5	5	38

Source: [Heat Stroke Deaths of Children in Vehicles](#), University of San Francisco, Department of Earth and Climate Sciences.

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