

Bentley's Law

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Issues

Which states have passed “Bentley’s Law,” and which others have proposed bills for passage? Has a bill similar to Bentley’s Law been proposed in the Connecticut General Assembly? If an impaired driver kills someone in Connecticut, what penalties apply under the law?

Summary

“Bentley’s Law” is model legislation that would require intoxicated drivers who kill the parent of a minor to pay a court-determined amount of restitution until the child is 18 years old. The law was named after the young son of two Missourian parents who were victims of an intoxicated driver. To date, only Tennessee has passed legislation modeled after Bentley’s Law, and at least 10 other states have proposed legislation similar to, or inspired by, this law. We did not find any bills similar to Bentley’s Law proposed in the Connecticut General Assembly during the last two legislative sessions since the Missouri initiative was first conceived (2021-2022).

Under Connecticut law, a person who causes the death of another while operating a motor vehicle under the influence of alcohol or drugs has committed the crime of 2nd degree manslaughter with a motor vehicle. The penalty is a prison term of up to 10 years, a fine of up to \$10,000, or both. Additionally, the person's driver's license is suspended for one year, and he or she may only operate vehicles equipped with an ignition interlock device for two years after completing the suspension period ([CGS § 53a-56b](#)).

Connecticut does not have a victim compensation law that provides child support until adulthood to a victim’s dependent minor like Bentley’s Law does. However, the state’s [Victim Compensation Program](#) allows up to \$25,000 to be awarded in survivor benefits for loss of support for dependents

of victims of 2nd degree manslaughter with a motor vehicle and their legal designated decision makers ([CGS §§ 54-208 to -211](#)).

Enacted Law

Tennessee

Tennessee passed “Ethan’s, Hailey’s, and Bentley’s Law” ([HB 1834](#)), which took effect on May 25, 2022. This law applies to defendants who have been convicted of vehicular homicide or aggravated vehicular homicide due to intoxication. If the victim of the offense was the parent of a minor child, then a sentencing court must order the defendant to pay restitution in the form of child maintenance (i.e., child support) to each of the victim's children until each child reaches 18 years of age and has graduated from high school.

Under the law, the court must determine the “reasonable and necessary amount” of restitution for “maintenance of the victim’s child.” The court must consider all relevant factors, including the following: (1) the child’s financial needs and resources, (2) the child’s surviving parent’s or guardian’s financial resources and needs (including the state if the child is in the Department of Children’s Services’ custody), and (3) the standard of living to which the child is accustomed.

Additionally, the law gives incarcerated defendants up to one year after their release to begin payments. Defendants must continue to make child maintenance payments until their obligation is paid in full, even if their payments were set to terminate.

The law contains one exception: if a surviving parent or guardian brings a civil suit against the defendant and obtains a judgment before the court has ordered child maintenance payments, then the child maintenance order must be offset by the amount of the civil action judgment awarded.

Proposed Laws

We found at least 10 state legislatures with filed proposed legislation similar to, or inspired by, Bentley’s Law this year that have not enacted the bills to date. Table 1 describes the proposals below.

Table 1: Proposed “Bentley’s Law” Legislation in Other States

State	Legislation	Brief Description
Alabama	HB 114 (2022)	Requires anyone convicted of driving under the influence of alcohol or a controlled substance to pay child support if the victim dies and is a child’s parent or guardian

Table 1 (continued)

State	Legislation	Brief Description
Hawaii	HB 1916 (2022)	Requires anyone convicted of 1st degree negligent homicide to pay child support to the victim's minor children until they reach (1) age 18 or (2) age 23 and are enrolled full-time in a higher education or trade program
Illinois	SB 3095 (2022)	Requires anyone convicted of aggravated driving under the influence who proximately caused the death of a parent to pay child support until the victim's child (1) reaches age 18 or (2) completes high school or reaches age 21, whichever occurs first
Louisiana	HB 51 (2022)	Requires anyone convicted of vehicular homicide to pay child support until the victim's child reaches (1) age 18 or (2) until completion of high school, a GED program, or a higher education program or reaches age 21, whichever occurs first
Missouri	HB 1954 (2022)	Requires anyone convicted of driving while intoxicated who caused the death of a parent of a child to pay child maintenance until the child (1) reaches age 18 or (2) completes high school or reaches age 21, whichever occurs first
New York	S9489 (2022)	Requires anyone convicted of 1st or 2nd degree vehicular manslaughter or aggravated vehicular homicide and causes the death of a parent to provide a court-determined, "reasonable" amount of child support to the person rearing the surviving child(ren); requires the court to strongly consider the driver's financial status upon release from incarceration; prohibits the court from placing an undue financial burden upon the driver after examining this and other factors
	A10290 (2022)	Requires anyone convicted of 2nd degree vehicular manslaughter due to the influence of alcohol, 1st degree vehicular manslaughter, or aggravated vehicular homicide to pay a court-determined, "reasonable" amount of child support to the deceased victim's child until either (1) the child reaches age 18 and has graduated high school or (2) the child's class when he or she reaches age 18 has graduated from high school
Oklahoma	SB 1744 (2022)	Authorizes the court to order anyone convicted of negligent homicide from driving under the influence to pay child support if the victim was a parent of a minor child
Pennsylvania	SB 1088 (2022)	Requires anyone convicted of murder, voluntary or involuntary manslaughter, homicide by vehicle, or homicide by vehicle while driving under the influence to pay child support until the victim's child (biological, adopted, or under guardianship) reaches age 18

Table 1 (continued)

<i>State</i>	<i>Legislation</i>	<i>Brief Description</i>
South Carolina	HB 5299 (2022) and S 1301 (2022)	Requires anyone convicted of the following crimes to pay restitution to the deceased victim's minor child until either (1) the child reaches age 18 and graduates high school or (2) the child's class when he or she reaches age 18 has graduated from high school: <ul style="list-style-type: none"> • Reckless vehicular homicide while under the influence of alcohol or drugs • Reckless vehicular homicide with at least one prior conviction of either operating a motor vehicle while under the influence or driving with an unlawful alcohol concentration • Operation of a moving motorized water device or water device under sail while under the influence of alcohol and/or drugs when death results • Reckless homicide by operation of a boat while under the influence of alcohol and/or drugs
Virginia	HB 1048 (2022)	Allows anyone with custody of a victim's child to petition the sentencing court to order the convicted defendant to pay child support in any case of (1) involuntary manslaughter as a result of driving a motor vehicle or (2) operating a watercraft under the influence

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