

SANCTIONS FOR DRUNK DRIVING ACCIDENTS
RESULTING IN SERIOUS INJURIES AND/OR DEATH

State	Statutory Citation	Description of Penalty
Alabama	<p>Ala. Code §13A-6-20 and Ala. Code §13A-5-6(a)(2)</p> <p>Ala. Code §32-5A-192</p> <p>Ala. Code §13A-6-4</p>	<p>Serious Bodily Injury: Driving under the influence that results in the serious bodily injury of another person is assault in the first degree, which is a Class B felony. These felonies are punishable by incarceration of no more than 20 years and no less than two years.</p> <p>Homicide by Vehicle/Vessel: If a person unlawfully or unintentionally causes the death of another person as a result of violating a state or local ordinance that applies to the operation of a vehicle, the person is guilty of homicide if he/she caused the deceased's death. If convicted, the person shall be fined no less than \$500 and no more than \$2,000, and shall be imprisoned no more than five years.</p> <p>Criminally Negligent Homicide: A person commits the crime of criminally negligent homicide by causing the death of another through criminally negligent conduct. If the death is caused while operating a motor vehicle the punishment is increased to a Class C felony, which is punishable by a prison term of no more than 10 years or less than one year and one day.</p>
Alaska	<p>Alaska Stat. §§11.41.110(a)(2), 11.41.120(a), and 11.41.130(a)</p>	<p>Homicide by Vehicle: Vehicular homicide can be second-degree murder, manslaughter, or criminally negligent homicide, depending on the facts surrounding the death (<i>see Puzewicz v. State</i>, 856 P.2d 1178, 1181 (Alaska App. 1993)).</p>
Arkansas	<p>Ark. Stat. Ann. §27-50-307 and Ark. Stat. Ann. §5-10-105</p>	<p>Negligent Homicide: If a death occurs as a result of a person's reckless or wanton disregard for other's safety, the person is guilty of negligent homicide, which is a Class A misdemeanor or Class C felony. A Class A misdemeanor is punishable by no more than one year in prison and no more than a \$1,000 fine. A Class C felony is punishable by no less than three years and no more than 10 years in prison and no more than a \$10,000 fine.</p>
California	<p>Cal. Vehicle Code §23152 et seq. and Cal. Vehicle Code §23536 et seq.</p> <p>Cal. Penal Code §§17, 191.5, 192(c), and 193</p>	<p>Serious Bodily Injury: It is unlawful for a person who is under the influence of alcohol or drugs, or who has a blood alcohol content of 0.08 or higher to drive a vehicle and do an act forbidden by law, or neglect a duty imposed by law, which act or neglect proximately causes the bodily injury of another. If the first offense occurred without bodily injury to another person, the violation is punishable by imprisonment for no more than 96 hours, of which 48 must be continuous, and a fine of no less than \$390, and no more than \$1,000. If the violation is the second within 10 years or results in bodily injury, then the violation is punishable by no less than 90 days, and no more than one year in jail, and a fine of no less than \$390, and no more than \$1,000.</p> <p>Homicide by Vehicle: Gross vehicular manslaughter requires the driving of a vehicle while intoxicated, and the death of another was the proximate cause of driving while intoxicated, but does not amount to a felony, and with gross negligence. A person also can be convicted if their act <i>might</i> have produced death, with gross negligence. Gross vehicular manslaughter is punishable by four, six, or 10 years in state prison.</p> <p>Vehicular manslaughter is the same as the description above, but does not require gross negligence, and is punishable by one year in county jail, or 16 months, two or four years in state prison.</p> <p>Second-degree murder can be imposed if the driver acted with implied malice. If the intoxicated driver causes more than one death, an enhanced prison term of one year is added for each victim (<i>see</i> Cal. Vehicle Code §23558).</p>
Colorado	<p>Colo. Rev. Stat. §§18-3-205, and 18-1.3-401</p> <p>Colo. Rev. Stat. §18-3-106(a)</p>	<p>Serious Bodily Injury: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and this conduct is the proximate cause of serious bodily injury to another, the person is guilty of vehicular assault. Violation is a Class 4 felony, which is punishable by imprisonment of no less than two years and no more than six years.</p> <p>Homicide by Vehicle: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and this conduct is the proximate cause of the death of</p>

		another, the person is guilty of vehicular homicide. Violation is a Class 4 felony, which is punishable by no less than two years and no more than six years of imprisonment.
Connecticut	Conn. Gen. Stat. §§53a-60d, and 53a-35a	<p>Serious Bodily Injury: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes serious physical injury to another, he/she is guilty of second-degree assault. Violation is a Class D felony, which is punishable by no less than two years and no more than five years of imprisonment.</p> <p>Homicide by Vehicle:</p> <ul style="list-style-type: none"> • Second degree manslaughter with a motor vehicle: A person is guilty of this offense if he/she caused the death of another while operating a vehicle under the influence of alcohol, drugs, or both. Violation is a Class C felony, • Misconduct with a motor vehicle: A person is guilty of this offense if he/she drives when criminally negligent. Violation is a Class D felony, which is punishable by no less than two years and no more than five years of imprisonment. • Negligent homicide with a vehicle: If a person is guilty of negligent operation of a vehicle and causes the death of another, he/she shall be fined not more than \$1000 or imprisoned not more than six months or both.
Delaware	Del. Code Ann. tit. 11 §628 Del. Code Ann. tit. 11 §§630, 630A.	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes physical injury to another, he/she is guilty of assault of the second degree. Violation is a Class B felony, which is punishable by no less than two years but no more 25 years of imprisonment. If the injury is serious, the violation is a Class F felony, which is punishable by up to three years' imprisonment.</p> <p>Homicide by Vehicle:</p> <ul style="list-style-type: none"> • Vehicular homicide in the first degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and his criminally negligent conduct causes of the death of another, the person is guilty of vehicular homicide. Violation is a Class E felony, for which the minimum sentence is two years' imprisonment, and the person is not eligible for probation, parole, furlough, work release or supervised custody during the first 18 months of his sentence. • Vehicular homicide in the second degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes of the death of another, the person is guilty of vehicular homicide. Violation is a Class F felony, which is punishable by no less than one year imprisonment, and the person is not eligible for probation, parole, furlough, work release or supervised custody for the duration of his sentence.
Florida	Fla. Stat. §316.193(3)(c)(2) Fla. Stat. §316.193(3)(c)(3)	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes serious physical injury, that is, a physical condition that creates a substantial risk of death, serious physical disfigurement, or protracted loss or impairment of the function of any body part or organ, he/she is guilty of a felony in the third degree. The infraction is punishable by a term of imprisonment not to exceed five years and a fine of \$5,000.</p> <p>Homicide by Vehicle: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, or an unborn viable fetus, he/she commits DUI manslaughter, if, at the time of the accident the person knew or should have known the crash occurred. Punishment is a term of imprisonment not to exceed 15 years, and a term not to exceed 30 years if the person knew or should have known that the crash occurred and failed to render aid to the injured and/or dying person.</p>
Georgia	Ga. Code Ann. §40-6-393	<p>Homicide by Vehicle:</p> <ul style="list-style-type: none"> • Homicide by vehicle in the first degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes the death of another person and acts without malice aforethought, he/she shall be punished by a term of imprisonment not to exceed 15 years. If that person is declared a

		<p>habitual offender and the person's driver's license has been revoked, and, he/she causes the death of another by operating a vehicle while under the influence of alcohol, drugs, or both without malice aforethought, he shall be punished by a term of imprisonment not less than five years and no more than 20 years.</p> <ul style="list-style-type: none"> • Homicide by vehicle in the second degree: If a person operates a vehicle while under the influence of alcohol, drugs, or both, and causes the death of another person without the intent to do so, he/she shall be punished by a fine not to exceed \$1,000 or a prison term not to exceed 12 months.
Hawaii	<p>Hawaii Rev. Stat. §707-705</p> <p>Hawaii Rev. State §707-702.5</p>	<p>Serious Bodily Injury: A person is guilty of negligent injury in the first degree if he/she causes the <i>serious bodily injury</i> of another while operating a vehicle in a negligent manner. The violation is a Class C felony, which is punishable by no more than five years' imprisonment and a fine not to exceed \$10,000.</p> <p>If the person causes <i>substantial injury</i> to another through the negligent operation of vehicle, the person is guilty of negligent injury in the second degree. The violation is a misdemeanor, which is punishable by no more than one year imprisonment and a fine of no more than \$2,000.</p> <p>Homicide by Vehicle:</p> <ul style="list-style-type: none"> • Negligent homicide in the first degree: If a person causes the death of another person because of his negligent operation of a vehicle while under the influence of drugs, he/she shall be punished by no more than 10 years' imprisonment.
Idaho	<p>Idaho Code §18-8006</p> <p>Idaho Code §18-4006(3)(b)</p>	<p>Serious Bodily Injury: If a person causes great bodily harm, permanent disability, or permanent disfigurement to a person as a result of operating a vehicle under the influence of alcohol or drugs, he/she is guilty of a felony. The violation is punishable by a term of imprisonment in the state penitentiary not to exceed 15 years, a fine not to exceed \$5,000, suspension of driver's license, suspension of driving privileges from one year to five years once released from incarceration, and payment of restitution. If the court decides not to imprison in the state penitentiary, the court shall sentence the defendant to a sentence not to exceed 30 days in a county jail, the first 48 hours of which must be consecutive.</p> <p>Homicide by Vehicle: If a person unlawfully causes the death of another person, human embryo or fetus, while operating a vehicle under the influence of alcohol or drugs, he/she is guilty of vehicular manslaughter. The violation is punishable by a fine of \$15,000 and a term of imprisonment not to exceed 15 years.</p>
Illinois	Ill. Rev. Stat. ch. 625 §5/11-501(d)(1)(C)	<p>Serious Bodily Injury/Homicide by Death: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes great bodily harm or permanent disfigurement to a person he/she commits a Class 2 felony. This is punishable by a term of imprisonment not less than three years and no more than 14 years if the death of another resulted, or a term of imprisonment of not less than six years and not more than 28 years if the violation resulted in the deaths of two or more people.</p>
Indiana	<p>Ind. Code Ann. §9-30-5-4</p> <p>Ind. Code Ann. §9-30-5-5</p>	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes serious bodily injury to another, he/she commits a Class D felony. However, if the person has had a previous intoxication violation in the last five years, the offense is increased to a Class C felony. A Class D felony is punishable by a fixed term of imprisonment of two years, and a Class C felony is punishable by a fixed term of imprisonment of four years.</p> <p>Homicide by Vehicle: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she has committed a Class C felony. However, if the person has had a previous intoxication violation in the last five years, the offense is increased to a Class B felony. A Class C felony is punishable by a fixed term of imprisonment of four years, and a Class B felony is punishable by a fixed term of imprisonment of 10 years. If the person's actions caused the death of an unborn fetus, it is a Class D felony, which is punishable by a fixed term of imprisonment of two years.</p>
Iowa	Iowa Code §707.6A	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of</p>

		<p>alcohol or drugs, or with a prohibited alcohol or drug content and his conduct causes serious bodily injury to another, he/she commits a Class D felony, which is punishable by a term of imprisonment not to exceed five years and a fine no less than \$750 and no more than \$7,500.</p> <p>Homicide by Vehicle: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his/her conduct causes the death of another person, he/she has committed a Class B felony, which is punishable by a term of imprisonment not to exceed 25 years.</p>
Kansas	Kan. Stat. Ann. §§21-3442, 21-3405	<p>Homicide by Vehicle: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and that person unintentionally causes the death of another, he/she has committed a security level 4 felony, which is punishable by a term of imprisonment no less than 62 months and no more 69 months.</p> <p>Vehicular Homicide: If a person operates a vehicle in a manner that creates an unreasonable risk of injury to another person and a death results, the person has committed a Class A misdemeanor, which is punishable by a term of imprisonment not to exceed one year.</p>
Kentucky	Ky. Rev. Stat. §507.040	Manslaughter in the Second Degree: A person is guilty of manslaughter in the second degree when he/she wantonly causes the death of another person while operating a vehicle.
Louisiana	<p>La. Rev. Stat. Ann. §§14:39.1, 14:39.2</p> <p>La. Rev. Stat. Ann. §14:32.1(A)</p>	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes any bodily injury to the person of another, he/she shall be fined no more than \$1,000, be imprisoned for no more than six months, or both. However, if the person causes serious bodily injury while operating a vehicle and under the influence of alcohol or drugs or with a prohibited level of alcohol or drugs, he/she shall be fined no more than \$2,000, imprisoned for no more than five years, or both.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she shall be fined no less than \$2,000 and no more than \$15,000 and shall be imprisoned with or without hard labor for no less than five years and no more than 30 years (three years without probation and five years if the driver's blood alcohol content was greater than 0.15 percent).</p>
Maine	<p>17-A MRSA §§1252 and 1301</p> <p>29-A MRSA §2454(1)</p>	<p>Manslaughter Statutes: It is a Class A crime to cause a death by criminal negligence or reckless conduct via a motor vehicle. The sanctions for a Class A crime are incarceration for not more than 40 years and/or a fine of not more than \$50,000. An offender's license is revoked for five years. {The Maine Criminal Code, 17-A MRSA does not use the terms "misdemeanor" or "felony" to either describe or define crimes. The law describes the offense of vehicle homicide as a Class A crime without further defining it as either a misdemeanor or a felony. Most states would consider a Class A crime to be a felony.}</p>
Maryland	<p>Md. Criminal Law Code Ann. §3-211</p> <p>Md. Criminal Law Code Ann. §§2-503, 2-504, 2-505, and 2-506</p>	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes a life-threatening injury, he/she is guilty of a misdemeanor and is subject to a term of imprisonment not to exceed two years, a fine not to exceed \$3,000, or both.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she is subject to a term of imprisonment not to exceed five years, or a fine of \$5,000, or both.</p>
Massachusetts	<p>Mass. Gen. Laws Ann. ch. 90 §24L</p> <p>Mass. Gen. Laws Ann. ch.</p>	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes serious bodily injury, he/she shall be punished by a term of imprisonment of no less than 2.5 years and no more than 10 years, and a fine of no more than \$5,000.</p> <p>Manslaughter by Vehicle: If a person commits manslaughter as a result of driving</p>

	265 §13 ½	under the influence of alcohol or a controlled substance, he/she shall be punished by a term of imprisonment for not less than five years and not more than 20 years, and by a fine of not more than \$25,000.
Michigan	Mich. Comp. Laws §257.625(5) Mich. Comp. Laws §257.625(4)	Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes serious impairment of a bodily function of another person, he/she is subject to a term of imprisonment of not more than five years or a fine of not less than \$1,000 or more than \$5,000, or both. Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500 or more than \$10,000, or both.
Minnesota	Minn. Stat. Ann. §§609.21(1b), 609.21(1c) Minn. Stat. Ann. §§609.21(1a), 609.21(1d)	Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes great bodily harm or great bodily harm to an unborn child he/she may be sentenced to a term of imprisonment of not less than five years and a fine of no more than \$10,000, or both. If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes substantial bodily harm he/she may be sentenced to a term of imprisonment of no more than three years and a fine of no more than \$10,000, or both. Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person or an unborn child, he/she may be sentenced to a term of imprisonment of no more than 10 years, and a fine of no more than \$20,000, or both.
Mississippi	Miss. Stat. Ann §63-11-30(5)	Death via DWI and Negligence: If a person operates a vehicle under the influence of alcohol or drugs, and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another, he/she shall, upon conviction, be guilty of a separate felony for each such death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each such death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. No mandatory minimum statute.
Missouri	Mo. Ann. Stat. §§558.011, and 565.060	Serious Bodily Injury: A person who injures another while driving either while intoxicated or illegal per se, commits assault in the second degree that is a Class C felony. The sanctions for this offense are imprisonment for not more than seven years and a fine of not more than \$5,000. Involuntary Manslaughter: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and he/she recklessly causes the death of another person he/she is guilty of a Class C felony, which is punishable by a term of imprisonment not to exceed seven years.
Montana	Mont. Code Ann. §45-5-205 Mont. Code Ann. §61-8-715(3)	Serious Bodily Injury: A person who negligently operates a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three who causes bodily injury to another, commits the offense of negligent vehicular assault. A person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed \$1,000 or be incarcerated in a county jail for a term not to exceed one year, or both, and shall be ordered to pay restitution. A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed \$10,000 or be incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution. Reckless Driving Resulting in Death: A person who is convicted of reckless

		driving and whose offense results in the death or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, a term of imprisonment not to exceed one year, or both. <i>State does not have a vehicle homicide statute.</i>
Nebraska	Neb. Rev. Stat. §60-6, 198 Neb. Rev. Stat. §§28-105, 28-106, and 28-306, 60-6-196	Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct proximately causes bodily injury to another person or unborn child, he/she shall be imprisoned for a period no less than 60 days and no more than 15 years. Motor Vehicle Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she is guilty of a Class III felony. The maximum term of imprisonment of 20 years, or \$25,000 fine, or both, minimum is one-year imprisonment.
Nevada	§§484.377 and 484.3795	Death caused by reckless driving or by a DWI where there is wanton disregard for the safety of others causing the death or substantial bodily harm to another person, regardless of whether the person has previously been convicted of driving under the influence is a Category B felony, Reckless Driving, punishable by possible one to six years imprisonment and fine of not more than \$5,000. Mandatory minimum term for a DWI-related death is two years. Vehicular Homicide is committed when a person who has previously committed at least three offenses of driving under the influence drives (during driving career) while under the influence in violation of law, proximately causes the death of another person. This is a Category A felony, punishable by a state prison term for life with the possibility of parole or a definite term of 25 years, with parole eligibility after a minimum of 10 years.
New Hampshire	N.H. Rev. Stat. Ann. §630:3II	Negligent Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person. He/she is guilty of a class A felony. The maximum penalty, exclusive of fine, is imprisonment in excess of seven years.
New Jersey	§2C:11-5 §2C:43-6(a)(2)	Death by Auto: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person it is a crime in the second degree. This offense is not specifically classified as either a "felony" or a "misdemeanor;" i.e., the Criminal Code (Title 2C) does not define these terms. To cope with this lack of definition, the N.J. Supreme Court has held that a crime can be considered equal to a "common law felony" if a defendant can be sentenced to the state prison for more than one year. <i>State v. Doyle</i> , 200 A.2d 606 (N.J. 1964) and <i>Kaplowitz v. State Farm Mutual Auto. Ins. Co.</i> , 493 A.2d 637 (N.J. Super. L. 1985)
New Mexico	New Mexico Sta. Ann. §66-8-101(C), (D) and (F) §31-18-15	Serious Bodily Injury: A person who commits great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug is guilty of a third-degree felony and shall be sentenced to three years. Homicide by Vehicle: A person who commits homicide by vehicle while under the influence of intoxicating liquor or while under the influence of any drug is guilty of a third-degree felony; a third-degree felony resulting in the death of a human being is subject to six years imprisonment.
New York	Penal Law §125.12 §70	Second Degree Vehicular Assault: A person is guilty of vehicular assault in the second degree when he/she causes serious physical injury to another person, if he or she operates a motor vehicle while intoxicated. Vehicular assault in the second degree is a Class E felony. Vehicular Manslaughter: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, it is vehicular manslaughter in the second degree, a Class D felony; imprisonment shall not exceed seven years.
North	§20-141.4	Felony Serious Injury by Vehicle: A person who unintentionally causes serious

Carolina	§§15A-1340.13, 15A-1340.16 and 15A-1340.17	<p>injury to another person while engaged in the offense of impaired driving commits a Class F felony.</p> <p>Felony Death by Vehicle: A person who unintentionally causes the death of another person while engaged in the offense of impaired driving and the commission of the offense is the proximate cause of death commits a Class E felony. The length of the imprisonment term is determined by the number of prior criminal convictions and by aggravating and mitigating circumstances.</p>
North Dakota		No information
Ohio	<p>§ 2903.08</p> <p>§2903.06(A)(2)</p>	<p>Aggravated Vehicular Assault: A person commits this offense if, in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, he/she causes serious physical harm to another person or another's unborn as the proximate result of being under the influence of alcohol or drugs. This offense is a third-degree felony.</p> <p>Aggravated Vehicle Homicide: A person commits this offense if, in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft he/she causes the death of another as the proximate result of being under the influence of alcohol or drugs. The offense is an second-degree aggravated felony, for the first offense, the person could be sentenced to one to five years in a correctional facility and fined no more than \$15,000.</p>
Oklahoma	<p>47 §11-904(B) (2).</p> <p>47 §11-903</p>	<p>Great Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss of or impairment of the function of any bodily member or organ, he/she shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than 90 days nor more than one year, and a fine of not more than \$2,500.</p> <p>Negligent Homicide: When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person convicted of negligent homicide shall be punished by imprisonment in the county jail for not more than one year or by fine of not less than \$100.00 nor more than \$1,000.00, or by both such fine and imprisonment.</p> <p>The Oklahoma Courts have decided that, if a vehicle homicide is proximately caused by an alcohol driving law offender, for a first offense, the charge may be Manslaughter 1, and for a second offense, the charge may be Murder II. See respectively, paragraph 1 of section 711 of Title 21 (<i>Mc Connell v. State</i>, 485 P.2d.764 (1971) and <i>White v. State</i>, 483 P.2d 751 (1971)), and paragraph 2, section 701.8 of Title 21 (<i>Isom v. State</i>, 646 P.2d 1288 (1982)).</p>
Oregon	§809.410(1)	Even though Oregon does not have a vehicle homicide statute, it nevertheless provides for mandatory license revocation for eight years for murder, manslaughter or criminally negligent homicide resulting from the operation of a motor vehicle. If the offender has been incarcerated, the revocation period begins after release from confinement.
Pennsylvania	75 Pa. C.S.A. § 3735.	<p>Homicide by vehicle while driving under influence: Any person who unintentionally causes the death of another person as the result of driving under the influence of alcohol or controlled substance and who is convicted of violating this section is guilty of a felony of the second degree when the violation is the cause of death. The sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of the violation of this section.</p> <p>Aggravated assault by vehicle while driving under the influence: Any person</p>

		<p>who negligently causes serious bodily injury to another person as the result of a violation of driving under the influence of alcohol or controlled substance and who is convicted such offense, commits a felony of the second degree when the violation is the cause of the injury.</p> <p>1. The state must prove either recklessness or criminal negligence and not ordinary negligence in order to sustain a conviction for vehicle homicide. <i>Com. v. Heck</i>, 535 A.2d 575 (Pa. 1987) and <i>Com. V. Samuels</i>, 778 A.2d 638 (Pa.2001).</p> <p>2. A person also can be charged with involuntary manslaughter in situations where he/she has caused a death related to a drunk-driving offense. <i>Com. v. Huckleberry</i>, 631 A.2d 1329 (Pa. Super. 1993).</p>
Rhode Island	<p>§31-27-2.6</p> <p>§31-27-2.2</p>	<p>Driving under the influence of liquor or drugs, resulting in serious bodily injury. When serious bodily injury of any person other than the operator is caused by the operation of any motor vehicle, the operator of which is under the influence of any intoxicating liquor, the person so operating the vehicle shall be guilty of driving under the influence of liquor or drugs, resulting in serious bodily injury. Upon conviction, the person shall be punished by imprisonment for not less than one year and for not more than 10 years and by a fine of not less than \$1,000 nor more than \$5,000.</p> <p>Driving under the influence of liquor or drugs, resulting in death: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, it is a felony to punishable by imprisonment of five to 15 years and a fine of not less than \$5,000 nor more than \$10,000.</p>
South Carolina	§56-5-2945	<p>Great Bodily Injury: A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a vehicle and, when driving does cause great bodily injury is guilty of a felony and, upon conviction, must be punished with a mandatory fine of not less than \$5,100 nor more than \$10,100 and mandatory imprisonment for not less than 30 days nor more than 15 years when great bodily injury results.</p> <p>When Death Results: A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a vehicle and, when driving, does cause great bodily injury resulting in death is guilty of a felony and, upon conviction, must pay a mandatory fine of not less than \$10,100 nor more than \$25,100 and mandatory imprisonment for not less than one year nor more than 25 years. These mandatory sentences may not be suspended, and probation may not be granted.</p>
South Dakota	<p>§22-16-41</p> <p>§22-6-1</p>	<p>Vehicular Homicide: Any person who, while under the influence of an alcoholic beverage, any controlled drug or substance, marijuana, or a combination thereof, operates or drives a vehicle of any kind in a negligent manner and thereby causes the death of another person, including an unborn child, is guilty of vehicular homicide. Vehicular homicide is a Class 3 felony that carries no more than 15 years' imprisonment in the state penitentiary, and a fine of \$30,000 may be imposed.</p>
Tennessee	<p>§39-13-106</p> <p>§39-13-213(a) & (b)</p> <p>§40-35-111(b)(2)</p>	<p>Vehicular Assault: A person commits vehicular assault who, as the proximate result of the person's intoxication, recklessly causes serious bodily injury to another person by the operation of a motor vehicle. Violation is a Class D felony. Upon conviction, the court shall prohibit the convicted person from driving a vehicle in this state for a period of one year.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the reckless killing of another person, the person is guilty of a Class B felony that carries eight to 30 years' imprisonment.</p>
Texas	Texas Penal Code §49.07	Intoxication Assault: A person commits an offense if the person, by accident or

	Texas Penal Code §49.08 §12.33	<p>mistake while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. An offense under this section is a felony of the third degree and carries two to 10 years' imprisonment and a fine of no more than \$10,000.</p> <p>Intoxication Manslaughter: A person commits this offense if the person operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride, and is intoxicated and by reason of that intoxication, causes the death of another by accident or mistake.</p> <p>A person who has killed another while driving a vehicle in a reckless or negligent manner while intoxicated may also be convicted of involuntary manslaughter with the use of "deadly weapon." Penal Code §1.07(a)(17)(B), <i>Ray v. State</i>, 880 S.W.2d 795 (Tex. App.- Houston [1st Dist.] 1994); <i>Martinez v. State</i>, 883 S.W.2d 771 (Tex. App.- Fort Worth 1994); <i>Tyra v. State</i>, 897 S.W.2d 796 (Tex. Cr. App. 1995); and <i>Hall v. State</i>, 935 S.W.2d 852 (Tex. App. –San Antonio 1996)</p>
Utah	Utah Code Ann. §41-6a-528 Utah Code Ann. §76-5-207	<p>Serious Bodily Injury: A person is guilty of reckless driving if he/she operates a vehicle with a willful or wanton disregard for the safety of others, or while committing three or more moving violations in a series of acts within a single continuous driving period. A violation is subject to a term of imprisonment not to exceed six months.</p> <p>Automobile Homicide:</p> <ul style="list-style-type: none"> ▪ Third-degree felony: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his/her conduct negligently causes the death of another person, he/she may be sentenced to a term of imprisonment not to exceed five years. ▪ Second-degree felony: If a person who operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, criminally negligently causes the death of another person, he/she may be sentenced to a term of imprisonment of no less than one year and no more than 15 years.
Vermont	Vt. Stat. Ann. tit. 23 §1210(f) Vt. Stat. Ann. tit. 23 §1210(e)	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes great bodily harm which creates a substantial risk of death; a substantial loss or impairment of a body function or organ; a substantial impairment of health; or substantial disfigurement, he/she shall be fined no more than \$5,000, or imprisoned no less than one year, but no more than 15 years, or both.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person, he/she shall be fined not more than \$10,000 or imprisoned for no less than one year nor more than 15 years, or both.</p>
Virginia	Va. Code Ann. §18.2-51.4	<p>Serious Bodily Injury: If a person who operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and in a gross, wanton and culpable manner as to show a reckless disregard for human life, unintentionally causes the serious injury of another person resulting in permanent and significant physical impairment he/she shall be guilty of a Class 6 felony. A Class 6 felony is punishable by a term of imprisonment of no less than one year, and no more than five years, or, at the discretion of the jury, one year in jail and a \$2,500 fine.</p>
Washington	Wash. Rev. Code Ann. §46.61.522	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes substantial bodily harm to another, he/she is guilty of a Class B felony, which is punishable by a term of imprisonment not to exceed 10 years, or a fine of \$20,000, or both.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct proximately causes the death of another person, he/she shall be guilty of a Class A felony, which is punishable by a term of imprisonment not to exceed 20 years.</p>
West Virginia	W. Va. Code § 17C-5-2(c)	<p>Serious Bodily Injury: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct</p>

	W. Va. Code § 17C-5-2(a)	<p>proximately causes bodily injury to another person, he/she shall be imprisoned for no less than one day and no more than one year, and fined no less than \$200 and no more than \$1,000.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person within one year of the act or failure with reckless disregard for the safety of others, he/she is guilty of a felony and shall be imprisoned for no less than two years and no more than 10 years, and fined no less than \$1,000 and no more than \$3,000.</p>
Wisconsin	<p>Wis. Stat. Ann. §346.62</p> <p>Wis. Stat. Ann. §§940.06, 940.09, and 940.10</p>	<p>Serious Bodily Injury: If a person causes bodily harm or great bodily harm to another person by the negligent operation of a motor vehicle, he/she shall be fined no less than \$50 and no more than \$500, or imprisoned in the county jail for not more than one year and no more than four years.</p> <p>Vehicular Homicide:</p> <ul style="list-style-type: none"> ▪ If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct <i>recklessly</i> causes the death of another person or an unborn child, he/she is guilty of a Class D felony, which is punishable by a term of imprisonment not to exceed 25 years. ▪ If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct causes the death of another person or an unborn child, he/she is guilty of a Class D felony, which is punishable by a term of imprisonment not to exceed 25 years. ▪ If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, and his conduct <i>negligently</i> causes the death of another person or an unborn child, he/she is guilty of a Class G felony, which is punishable by a term of imprisonment not to exceed 10 years.
Wyoming	<p>Wyo. Stat. §31-5-233(h)</p> <p>Wyo. Stat. Ann. §6-2-106</p>	<p>Serious Bodily Injury: If a person causes serious bodily injury, which creates a reasonable likelihood of death or which causes miscarriage or serious permanent disfigurement or protracted loss or impairment of any bodily member or organ, to another person, he/she is subject to a fine of no less than \$2,000 and no more than \$5,000, a term of imprisonment of no more than 10 years, or both.</p> <p>Vehicular Homicide: If a person operates a vehicle under the influence of alcohol or drugs, or with a prohibited alcohol or drug content, in a criminally negligent manner, and his/her conduct proximately causes the death of another person, he/she is guilty of aggravated homicide, which is punishable by a term of imprisonment not to exceed 20 years.</p>

Sources: NHTSA, 2007; and NCSL, 2008.