

**AMERICAN PROSECUTORS RESEARCH INSTITUTE
NATIONAL TRAFFIC LAW CENTER**

VEHICLE-SPECIFIC HOMICIDE STATUTES CHART

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STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
ALABAMA	<p><u>Code of Ala. § 32-5A-192. Violations; homicide; operation of vehicle under the influence</u> (a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle, or vessel, as defined in Section 33-5-3, or to the regulation of traffic or boating, shall be guilty of homicide when the violation is the proximate cause of death.</p> <p><u>Code of Ala. § 13A-6-4. Criminally negligent homicide</u> (a) A person commits the crime of criminally negligent homicide if he causes the death of another person by criminal negligence.</p>	<p>Felony</p> <p>Class C felony (while DUI)</p> <p>Class A misdemeanor</p>	<p><u>Term of imprisonment:</u> min 1 year max 5 years <u>Fine:</u> \$500 - \$2000</p> <p><u>Term of imprisonment:</u> min 1 year & 1 day max 10 years <u>Fine:</u> max \$5000</p> <p><u>Term of imprisonment:</u> max 1 year county jail or hard labor. (13A-5-7) <u>Fine:</u> max \$2000 (13A-5-12)</p>
ALASKA	<p><u>Sec. 11.41.120. Manslaughter</u> (a) A person commits the crime of manslaughter if the person (1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree; or (2) intentionally aids another person to commit suicide. (b) Manslaughter is a class A felony.</p> <p><u>Sec. 11.41.130. Criminally negligent homicide</u> (a) A person commits the crime of criminally negligent homicide if, with criminal negligence, the person causes the death of another person. (b) Criminally negligent homicide is a class B felony.</p>	<p>Class A Felony</p> <p>Class B felony</p>	<p><u>Term of Imprisonment:</u> Min: 5 years Max: 20 years <u>Fine:</u> <\$50,000</p> <p><u>Term or Imprisonment:</u> Second felony conviction, Min: four years; Max: 10 years</p> <p>Third felony conviction Min: six years</p>

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	<p>Vehicle Code (DUI) and in the commission of an unlawful act, not amounting to felony, but without gross negligence; or driving a vehicle in violation of Section 23140, 23152, or 23153 of the Vehicle Code (DUI) and in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.</p> <p>(4) Driving a vehicle in connection with a violation of paragraph (3) of subdivision (a) of Section 550, where the vehicular collision or vehicular accident was knowingly caused for financial gain and proximately resulted in the death of any person. This provision shall not be construed to prevent prosecution of a defendant for the crime of murder.</p> <p>This section shall not be construed as making any homicide in the driving of a vehicle punishable which is not a proximate result of the commission of an unlawful act, not amounting to a felony, or of the commission of a law act which might produce death, in an unlawful manner.</p> <p>“Gross negligence” as used in this section, shall not be construed as prohibiting or precluding a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice, consistent with the holding of the California Supreme Court in <i>People v. Watson</i>, 30 Cal. 3d 290.</p> <p><u>Cal Pen Code § 191.5 Gross vehicular manslaughter while intoxicated</u></p> <p>(a) Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was in violation of Section 23140, 23152, or 23153 of the Vehicle Code (DUI), and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.</p> <p>(b) Gross vehicular manslaughter while intoxicated also includes operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of an unlawful act, not amounting to felony, and with gross negligence; or operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.</p> <p>....</p>	<p>Misdemeanor/Felony</p> <p>Felony</p> <p>Felony</p>	<p><u>Term of imprisonment:</u> max county jail 1 year or state prison: 16 months, 2 or 4 years (Cal Pen Code § 193)</p> <p><u>Term of imprisonment:</u> 4,6, or 10 years in state prison (Cal Pen Code 193)</p> <p><u>Term of imprisonment:</u> 4,6, or 10 years in state prison (Cal Pen Code 191.5(c))</p>

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COLORADO	<p><u>C.R.S. 18-3-106. Vehicular homicide</u> (1)(a) If a person operates or drives a motor vehicle in a reckless manner, and such conduct is the proximate cause of death of another, such person commits vehicular homicide.</p> <p>(b)(I) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and such conduct is the proximate cause of the death of another, such person commits vehicular homicide. This is a strict liability crime.</p>	<p>Class 4 Felony</p> <p>Class 3 Felony</p>	<p><u>Term of imprisonment:</u> min 2 years max 6 years (18-1-105(1)(a)(V)(A))</p> <p><u>Fine:</u> min \$2000 max \$500,000 (18-1-105(1)(a)(III)(A))</p> <p><u>Term of imprisonment:</u> min 4 years max 12 years (18-1-105(1)(a)(V)(A))</p> <p><u>Fine:</u> min \$3000 max \$750,000 (18-1-105(1)(a)(III)(A))</p>
CONNECTICUT	<p><u>14-222a Negligent homicide with a motor vehicle</u> Any person who, in consequence of the negligent operation of a motor vehicle, causes the death of another person shall be fined not more than one thousand dollars or imprisoned not more than six months or both.</p> <p><u>53a-56b. Manslaughter in the second degree with a motor vehicle</u> (a) A person is guilty of manslaughter in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug, or both, he causes the death of another person as a consequence of the effect of such liquor or drug.</p> <p><u>53a-57. Misconduct with a motor vehicle</u> (a) A person is guilty of misconduct with a motor vehicle when, with criminal negligence in the operation of a motor vehicle, he causes the death of another person.</p>	<p>Misdemeanor</p> <p>Class C felony</p> <p>Class D felony</p>	<p><u>Term of imprisonment:</u> max 6 months</p> <p><u>Fine:</u> max \$1000</p> <p><u>Term of imprisonment:</u> min 1 year max 10 years (53a-35a)</p> <p><u>Fine:</u> max \$10,000 (53a-41)</p> <p><u>Term of imprisonment:</u> min 1 year max 5 years (53-35a)</p> <p><u>Fine:</u> max \$5000 (53-41)</p>
DELAWARE	<u>11 Del. C. § 630A. Vehicular homicide in the first degree</u>		

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	<p>(a) A person is guilty of vehicular homicide in the first degree when while in the course of driving or operating a motor vehicle under the influence of alcohol or drugs, as defined by § 4177 of Title 21, his criminally negligent driving or operation of said vehicle causes the death of another person.</p> <p><u>11Del.C. § 630. Vehicular homicide in the second degree</u> (a) A person is guilty of vehicular homicide in the second degree when: (1) While in the course of driving or operating a motor vehicle, his criminally negligent driving or operation of said vehicle causes the death of another person; or (2) While in the course of driving or operating a motor vehicle, under the influence of alcohol or drugs, as defined by § 4177 of Title 21, his negligent driving or operation of said vehicle causes the death of another person.</p>	<p>Class E felony</p> <p>Class F felony</p>	<p><u>Term of imprisonment:</u> min 2 years mandatory</p> <p><u>Term of imprisonment:</u> min 1 year</p> <p><u>Term of imprisonment:</u> min 1 year mandatory</p>
DISTRICT OF COLUMBIA	<p><u>40-713. Negligent homicide</u> Any person who, by the operation of any vehicle in a careless, reckless, or negligent manner, but not willfully or wantonly, shall cause the death of another, including a pedestrian in a marked crosswalk, or unmarked crosswalk at an intersection, shall be guilty of a felony.</p>	<p>Felony</p>	<p><u>Term of imprisonment:</u> max 5 years</p> <p><u>Fine:</u> max \$5000</p>
FLORIDA	<p><u>F.S.A. § 782.071. Vehicular homicide</u> (1) A felony of the second degree... (f) A felony of the first degree...if: a. At the time of the accident, the person knew, or should have known, that the accident occurred; and b. The person failed to give information and render aid as required by s. 316.062. This subsection does not require that the person knew that the accident resulted in injury or death. <u>316.193. Driving under the influence; penalties</u> (3) Any person: (a) Who is in violation of subsection (1) [if the person is driving or in actual physical control of a vehicle within this state and: (a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;</p>	<p>Felony 2nd Degree</p> <p>Felony 1st Degree</p> <p>Felony 2nd Degree</p>	<p><u>Term of imprisonment:</u> max 15 years (775.082(3)(c))</p> <p><u>Fine:</u> max \$10,000 (775.083(1)(b))</p> <p><u>Term of imprisonment:</u> max 30 years (775.082(3)(b))</p> <p><u>Fine:</u> max \$10,000 (775.083(1)(b))</p> <p><u>Term of imprisonment:</u> max 15 years</p> <p><u>Fine:</u> max \$10,000</p>

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	<p>(b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or</p> <p>(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.];</p> <p>(b) Who operated a vehicle; and</p> <p>(c) Who, by reason of such operation, causes:</p> <p>...</p> <p>3. The death of any human being commits DUI manslaughter, and commits:</p> <p>(f) A felony of the second degree....</p> <p>b. A felony of the first degree...if</p> <p>(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and</p> <p>(II) The person failed to give information and render aid as required by s. 316.062.</p>	Felony 1 st Degree	<p><u>Term of imprisonment:</u> max 30 years (775.082(3)(b))</p> <p><u>Fine:</u> max \$10,000 (775.083(1)(b))</p>
GEORGIA	<p><u>40-6-393 Homicide by vehicle</u></p> <p>(a) Any person who, without malice aforethought, causes the death of another person through the violation of subsection (a) of Code Section 40-6-163 [passing school bus when visual signals are flashing], or subsection (b) of Code Section 40-6-270 [knowingly failing to stop and return to scene of accident resulting in injury or death], or Code Section 40-6-390 [reckless driving], or 40-6-391 [DUI], or subsection (a) of Code Section 40-6-395 [fleeing or attempting to elude police officer] commits the offense of homicide by vehicle in the first degree.</p> <p>(b) Any person who causes the death of another person, without an intention to do so, by violating any provision of this title other than [those listed above], commits the offense of homicide by vehicle in the second degree when such violation is the cause of said death.</p> <p>(c) Any person who, after being declared a habitual violator as determined under Code Section 40-5-58 and while such person's license is in revocation, causes the death of another person, without malice aforethought, by operation of a motor vehicle, commits the offense of homicide by vehicle n the first degree.</p>	<p>Felony</p> <p>Misdemeanor</p> <p>Felony</p>	<p><u>Term of imprisonment:</u> min 3 years max 15 years</p> <p><u>Term of imprisonment:</u> max 12 months in county jail 17-10-3-(a)(2)</p> <p><u>Fine:</u> max \$1,000</p> <p><u>Term of imprisonment:</u> min 5 years (1 year mandatory) max 20 years</p>
HAWAII	<p><u>707-702.5. Negligent homicide in the first degree</u></p> <p>(1) A person is guilty of the offense of negligent homicide in the first degree if that person causes the death of another person by the operation of a vehicle in a</p>	Class B felony	<p><u>Term of imprisonment:</u> max 10 years (706-660)</p>

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	<p>negligent manner while under the influence of drugs or alcohol.</p> <p><u>707-703. Negligent homicide in the second degree</u> (1) A person is guilty of the offense of negligent homicide in the second degree if that person causes the death of another person by the operation of a vehicle in a negligent manner.</p> <p><u>707-704. Negligent homicide in the third degree</u> (1) A person is guilty of the offense of negligent homicide in the third degree if that person causes the death of another person by the operation of a vehicle in a manner which is simple negligence.</p> <p>....</p>	<p>Class C felony</p> <p>Misdemeanor</p>	<p>If victim is less than 8 or more than 60 years old, or if victim is blind, paraplegic or quadriplegic, then mandatory min 3 years and 4 months. (706-660.2)</p> <p><u>Fine:</u> max \$25,000 (706-640)</p> <p><u>Term of imprisonment:</u> max 5 years min 1 year and 8 months for same reasons above mandatory (706-660.2)</p> <p><u>Fine:</u> max \$10,000</p> <p><u>Term of imprisonment:</u> max 1 year (706.663)</p> <p><u>Fine:</u> max \$2,000</p>
<p>IDAHO</p>	<p><u>18-4006. Manslaughter defined</u> Manslaughter is the unlawful killing of a human being, without malice. It is of three kinds: ... 3. Vehicular – in which the operation of a motor vehicle is a significant cause contributing to the death because of: (a) the commission of an unlawful act, not amounting to a felony, with gross negligence: or</p> <p>(b) the commission of a violation of section 18-8004 [DUI] or 18-8006 [aggravated DUI], Idaho Code; or</p>	<p>Felony</p> <p>Felony</p> <p>Misdemeanor</p>	<p><u>Term of imprisonment:</u> max 10 years</p> <p><u>Fine:</u> max \$10,000*</p> <p><u>Term of imprisonment:</u> max 10 years</p> <p><u>Fine:</u> max \$10,000*</p> <p><u>Term of imprisonment:</u> max 1 year</p> <p><u>Fine:</u> \$2,000*</p> <p>* If the vehicular manslaughter</p>

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	(c) the commission of an unlawful act, not amounting to a felony, without gross negligence .		resulted in the death of the parent or parents of minor children, the offender may be ordered to pay support for each such minor child until the child reaches the age of 18.
ILLINOIS	<p><u>720 ILCS 5/93. Involuntary manslaughter and reckless homicide</u></p> <p>(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of death consists of the driving of a motor vehicle in which case the person commits reckless homicide.</p> <p>(b) In cases involving reckless homicide, being under the influence of alcohol or any drug or drugs at the time of the alleged violation shall be presumed to be evidence of a reckless act unless disproved by evidence to the contrary.</p>	<p>Class 3 Felony (reckless homicide)</p> <p>Class 2 Felony (DUI)</p>	<p><u>Term of imprisonment:</u> min 2 years max 5 years (730 ILCS 5/5/-8-1(a)(6))</p> <p><u>Term of imprisonment:</u> min 3 years max 14 years</p> <p><u>Term of imprisonment if 2 or more people killed:</u> min 6 years max 28 years</p> <p><u>Fine:</u> max \$10,000</p>
INDIANA	<p><u>Burns Ind. Code Ann. § 9-30-5-5. Causing death of another person when operating motor vehicle</u></p> <p>(a) A person who causes the death of another person when operating a motor vehicle:</p> <p>(1) with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:</p> <p>(A) one hundred (100) milliliters of the person's blood; or</p> <p>(B) two hundred ten (210) liters of the person's breath;</p> <p>(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or</p> <p>(3) while intoxicated;</p> <p>commits a Class C felony. However, the offense is a Class B felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this chapter.</p> <p>....</p> <p><u>Burns Ind. Code Ann. § 35-42-1-5. Reckless homicide</u></p>	<p>Class C felony</p> <p>Class B felony</p>	<p><u>Term of imprisonment:</u> min 2 years max 8 years (§35-50-2-6; §35-50-2-1)</p> <p><u>Fine:</u> max \$10,000 (§35-50-2-6)</p> <p><u>Term of imprisonment:</u> min 6 years max 20 years (§35-50-2-5; §35-50-2-1)</p> <p><u>Fine:</u> max \$10,000 (§35-50-2-5)</p>

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	<p>A person who recklessly kills another human being commits reckless homicide.</p> <p><u>Burns Ind. Code Ann. § 35-42-1-4. Involuntary Manslaughter</u> (b) A person who kills another human being while committing or attempting to commit: (1) a Class C or Class D felony that inherently poses a risk of serious bodily injury; (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or (3) battery; commits involuntary manslaughter, a Class C felony. However, if the killing results from the operation of a vehicle, the offense is a Class D felony.</p>	<p>Class C felony</p> <p>Class C felony</p> <p>Class D felony</p>	<p><u>Term of imprisonment:</u> min 2 years max 8 years (§35-50-2-6; §35-50-2-1) <u>Fine:</u> max \$10,000 (§35-50-2-6)</p> <p><u>Term of imprisonment:</u> min 2 years max 8 years (§35-50-2-6; §35-50-2-1) <u>Fine:</u> max \$10,000 (§35-50-2-6)</p> <p><u>Term of imprisonment:</u> min 6 months max 3 years (§35-50-2-7; §35-50-2-1) <u>Fine:</u> max \$10,000 (§35-50-2-7)</p>
IOWA	<p><u>707.6A. Homicide or serious injury by vehicle</u> 1. A person commits a class "B" felony when the person unintentionally causes the death of another by operating a motor vehicle while intoxicated, as prohibited by section 321J.2. 2. A person commits a class "C" felony when the person unintentionally causes the death of another by any of the following means: a. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277. b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279, if the death of the other person directly or indirectly results from the violation. 3. A person commits a class "D" felony when the person unintentionally causes the death of another while drag racing, in violation of section 321.278.</p>	<p>Class B felony</p> <p>Class C felony</p> <p>Class D felony</p>	<p><u>Term of imprisonment:</u> max 25 years</p> <p><u>Term of imprisonment:</u> max 10 years (§ 902.9) <u>Fine:</u> min \$1000 max \$10,000 (§ 902.9)</p> <p><u>Term of imprisonment:</u> max 5 years (§ 902.9) <u>Fine:</u> min \$750 (§ 902.9)</p>

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	4. A person commits a class "D" felony when the person unintentionally causes a serious injury, as defined in section 321J.1, by any of the means described in subsection 1 or 2.	Class D felony	max \$7,500 (§ 902.9) <u>Term of imprisonment:</u> max 5 years (§ 902.9) <u>Fine:</u> min \$750 (§ 902.9) max \$7,500 (§ 902.9)
KANSAS	<p><u>K. S. A. § 21-3405. Vehicular homicide</u> Vehicular homicide is the unintentional killing of a human being committed by the operation of an automobile, airplane, motor boat or other motor vehicle in a manner which creates an unreasonable risk of injury to the person or property of another and which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances.</p> <p><u>K. S. A. § 21-3404. Involuntary manslaughter</u> Involuntary manslaughter is the unintentional killing of a human being committed (a) recklessly; (b) in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 1994 Supp. 21-3436 and amendments thereto, that is enacted for the protection of human life or safety, including acts described in K.S.A. 8-1566, 8-1567 and 8-1568 and amendments thereto; or (c) during the commission of a lawful act in an unlawful manner.</p>	<p>Class A Person misdemeanor</p> <p>Severity Level 5, Person Felony</p>	<p><u>Term of imprisonment:</u> max 1 year in county jail (21-4502) <u>Fine:</u> max \$2,500 (21-4303a)</p> <p><u>Term of imprisonment:</u> 50-55 months (21-4704) <u>Fine:</u> max \$300,000 (21-4503a)</p>
KENTUCKY	<p><u>507.040. Manslaughter in the second degree</u> (1) A person is guilty of manslaughter in the second degree when he wantonly causes the death of another person, including, but not limited to, situations where the death results from the person's: (a) Operation of a motor vehicle; or (b) Leaving a child under the age of eight (8) years in a motor vehicle under circumstances which manifest an extreme indifference to human life and which create a grave risk of death to the child, thereby causing the death of the child.</p>	Class C felony	<p><u>Term of imprisonment:</u> min 5 years max 10 years (532.060) <u>Fine:</u> min \$1000 max \$10,000 (534.030)</p>
LOUISIANA	<p><u>R. S. 14:32.1 Vehicular homicide</u> A. Vehicular homicide is the killing of a human being caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance whether or not the offender had intent to cause death or great bodily harm whenever any one of the following conditions exists:</p>	Felony	<p><u>Term of imprisonment:</u> min 2 years mandatory max 20 years <u>Fine:</u> min \$2000</p>

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	<p><u>Art.27 § 388. Manslaughter by automobile, vessel, etc.</u> Every person causing the death of another as the result of the driving, operation or control of an automobile, motor vehicle, locomotive, engine, car, street car, train, vessel, or other vehicle in a grossly negligent manner, shall be guilty of a misdemeanor to be know as “ manslaughter by automobile, motor vehicle, locomotive, engine, car, streetcar train, vessel, or other vehicle.”</p>	Felony	<p><u>Term of imprisonment:</u> max 10 years <u>Fine:</u> max \$5,000</p>
MASSACHUSETTS	<p><u>Ch 90 § 24G. Homicide by motor vehicle; penalty</u> (a) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section 1 of chapter 94C, or the vapors of glue, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person, shall be guilty of homicide by a motor vehicle while under the influence of an intoxicating substance.</p> <p>(b) Whoever, upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section 1 of chapter 94C, or the vapors of glue, or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered and by any such operation causes the death of another person, shall be guilty of homicide by a motor vehicle.</p>	<p>Felony</p> <p>or Misdemeanor</p> <p>Misdemeanor</p>	<p><u>Term of imprisonment:</u> min 2 ½ years max 15 years in state prison</p> <p><u>Term of imprisonment:</u> min 1 year mandatory max 2½ years in jail or house of correction <u>Fine:</u> max \$5,000</p> <p><u>Term of imprisonment:</u> min 30 days max 2 ½ years <u>Fine:</u> max \$3,000</p>
MICHIGAN	<p><u>MCL § 257.625 (MSA § 9.2325) Operating motor vehicle while under influence of intoxicating liquor or controlled substance; operating motor vehicle when visibly impaired ...</u> 4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1) [driving under the influence of intoxicating liquor, a controlled substance, or a combination; or driving with an alcohol content of .10 or more] or (3) [operating a vehicle while visible impaired] and by the operation of that motor vehicle causes the death of another person is guilty of a felony...</p> <p><u>MCL § 750.324 (MSA § 28.556) Negligent operation of vehicle causing homicide</u></p>	<p>Felony</p> <p>Misdemeanor</p>	<p><u>Term of imprisonment:</u> max 15 years <u>Fine:</u> min \$2,500 max \$10,000 (257.625)</p> <p><u>Term of imprisonment:</u> max 2 years in state prison <u>Fine:</u></p>

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	Any person who, by the operation of any vehicle upon any highway or upon any other property, public or private, at an immoderate rate of speed or in a careless, reckless, or negligent manner, but not willfully or wantonly , shall cause the death of another, shall be guilty of a misdemeanor.		max \$2,000
MINNESOTA	<p><u>609.21. Criminal vehicular homicide and injury</u> <u>Subdivision 1. Criminal vehicular homicide</u> Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle,</p> <p>(1) in a grossly negligent manner; (2) in a negligent manner while under the influence of (i) alcohol, (ii) a controlled substance, (iii) or any combination of those elements; (3) while having an alcohol concentration of 0.10 or more; or (4) while having an alcohol concentration of 0.10 or more, as measured within two hours of the time of driving, is guilty of criminal vehicular homicide resulting in death. (5) in a negligent manner while knowingly under the influence of a hazardous substance; (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or (7) where the driver who causes the accident leaves the scene of the accident in violation of section <u>169.09</u>, subdivision 1 or 6.</p>	Felony	<u>Term of imprisonment:</u> max 10 years <u>Fine:</u> max \$20,000
MISSISSIPPI	<p><u>63-11-30. Operation of vehicle while under influence of intoxicating liquor, drugs or controlled substances, or other substances impairing ability to operate vehicle or with blood alcohol concentrations above specified levels...penalties for violations resulting in death, disfigurement, etc., of another...</u></p> <p>(5) Every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section 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 shall, upon conviction, be guilty of a felony</p>	Felony	<u>Term of imprisonment:</u> max 25 years (63-11-30(5)) <u>Fine:</u> max \$10,000 (99-19-32)

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
	<p>breath;</p> <p>(d) is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or</p> <p>(e) inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of any vehicle;</p> <p>(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379, and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this state, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony.</p> <p><u>NRS 484.377. Reckless driving; penalty for willful or wanton disregard for safety causing death or substantial bodily harm</u></p> <p>...</p> <p>2. A person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony.</p>	Category B felony	<p><u>Term of imprisonment:</u> min 1 year max 6 years</p> <p><u>Fine:</u> max \$5,000</p>
NEW HAMPSHIRE	<p><u>RSA 630:3. Negligent Homicide</u></p> <p>I. A person is guilty of a class B felony when he causes the death of another negligently.</p> <p>II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another.</p>	<p>Class B felony</p> <p>Class A felony</p>	<p><u>Term of imprisonment:</u> max 7 years (RSA 625:9)</p> <p><u>Fine:</u> max \$4,000 (RSA 651:2)</p> <p><u>Term of imprisonment:</u> max 15 years</p> <p><u>Fine:</u> max \$4,000</p> <p>In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the</p>

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
NEW JERSEY	<p><u>N.J. Stat. § 2C:11-5. Death by auto or vessel</u> a. Criminal homicide constitutes vehicular homicidel when it is caused by driving a vehicle or vessel recklessly.</p>	2 nd degree crime	<p>convicted person for up to 7 years.</p> <p><u>Term of imprisonment:</u> min 5 years max 10 years (2C:43-6(a)(2)) <u>Fine:</u> max \$150,000 (2C:43-3)</p>
NEW MEXICO	<p><u>66-8-101. Homicide by vehicle; great bodily injury by vehicle</u> A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.</p> <p>...</p> <p>C. Any person who commits homicide by vehicle or great bodily injury by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 [reckless driving; however, violation of speed laws is not per se violation of 66-6-113] is guilty of a third degree felony.</p> <p>...</p> <p>F. Any person who willfully operates a motor vehicle on violation of Subsection C of Section 30-22-1 NMSA 1978 [evading or fleeing an officer] and directly or indirectly causes the death of or great bodily injury to a human being is guilty of a third degree felony.</p>	<p>Misdemeanor</p> <p>3rd degree felony</p> <p>3rd degree felony</p>	<p><u>Term of imprisonment:</u> max 90 days <u>Fine:</u> max \$300 (66-8-7B)</p> <p><u>Term of imprisonment:</u> max 6 years (31-18-15) (sentence increased by 2 years for each prior DWI conviction under 66-8-101(d)) <u>Fine:</u> max \$5,000 (31-18-15)</p> <p><u>Term of imprisonment:</u> max 6 years (31-18-15) <u>Fine:</u> max \$5,000 (31-18-15)</p>
NEW YORK	<p><u>125.10. Criminally negligent homicide</u> A person is guilty of criminally negligent homicide when with criminal negligence, he causes the death of another person.</p> <p><u>NY CLS Penal § 125.13. Vehicular manslaughter in the first degree</u> A person is guilty of vehicular manslaughter in the first degree when he: (1) commits the crime of vehicular manslaughter in the second degree as defined in section 125.12, and (2) commits such crime while knowing or having reason to know that: (a) his license or his privilege of operating a motor vehicle in another state or his privilege of obtaining a license to operate a motor vehicle in another state is suspended</p>	<p>Class E felony</p> <p>Class C felony</p>	<p><u>Term of imprisonment:</u> max 4 years (Penal 70.00) <u>Fine:</u> max \$5,000 (Penal 80.00)</p> <p><u>Term of imprisonment:</u> max 15 years (Penal law 70.00) <u>Fine:</u> max \$5,000 (Penal law 80.00)</p>

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
	<p>or revoked and such suspension or revocation is based upon a conviction in such other state for an offense which would, if committed in this state, constitute a violation of any of the provisions of Section 1192 of the vehicle and traffic law; or</p> <p>(b) his license or his privilege of operating a motor vehicle in the state or his privilege of obtaining a license issued by the commissioner of motor vehicles is suspended or revoked and such suspension or revocation is based upon either a refusal to submit to a chemical test pursuant to Section 1194 of the vehicle and traffic law or following a conviction for a violation of any of the provisions of Section 1192 [DUI] of vehicle and traffic law.</p> <p><u>125.12. Vehicular manslaughter in the second degree</u> A person is guilty of vehicular manslaughter in the second degree when he: (1) commits the crime of criminally negligent homicide as defined in section 125.10, and ... (2) causes the death of such other person by operation of a vehicle in violation of section 1192 [DUI] . . .</p>	Class D felony	<p><u>Term of imprisonment:</u> max 7 years <u>Fine:</u> max \$5,000</p>
NORTH CAROLINA	<p><u>N.C. Gen. Stat. § 20-141.4 Felony and misdemeanor death by vehicle</u> (a1) Felony Death by Vehicle— A person commits the offense of felony death by vehicle if he unintentionally causes the death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2 and commission of that offense is the proximate cause of death.</p> <p>(a2) Misdemeanor Death by Vehicle – A person commits the offense of misdemeanor death by vehicle if he unintentionally causes the death of another person while engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1. and commission of that violation is the proximate cause of the death.</p>	Class G felony Class 1 misdemeanor	<p><u>Term of imprisonment:</u> 8-36 months (determined by number of prior conviction and by aggravating and mitigating circumstances) (15A-13440.23) <u>Fine:</u> discretionary</p> <p><u>Term of imprisonment:</u> 1-120 days (determined by number of prior convictions) (15A-1340.23) <u>Fine:</u> discretionary</p>
NORTH DAKOTA	<p><u>§12.1-16-02. Manslaughter.</u> A person is guilty of manslaughter, a class B felony, if he recklessly causes the death of another human being.</p>	Class B felony	<p><u>Term of imprisonment:</u> max 10 years <u>Fine:</u></p>

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
	<p><u>§12.1-16-03. Negligent homicide.</u> A person is guilty of a class C felony if he negligently causes the death of another human being.</p>	Class C felony	<p>max \$10,000</p> <p><u>Term of imprisonment:</u> max 5 years</p> <p><u>Fine:</u> max \$5,000</p>
OHIO	<p><u>§ 2903.06 Aggravated vehicular homicide; vehicular homicide; vehicular manslaughter.</u> A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:</p> <p>(1) As the proximate result of committing a violation of division (A) of section <u>4511.19</u> [Driving while under the influence of alcohol or drugs or with certain concentration of alcohol in bodily substances; chemical analysis.] of the Revised Code or of a substantially equivalent municipal ordinance;</p> <p>(2) Recklessly;</p> <p>(3) Negligently;</p>	<p>Felony 3rd Degree</p> <p>Felony 2nd Degree</p> <p>Misdemeanor 1st Degree</p> <p>Misdemeanor 2nd Degree</p>	<p><u>Term of Imprisonment:</u> Min: 2yrs, 30 mths, 3 yrs Max: 10 years <u>Fine:</u> \$5,000</p> <p><u>Term of Imprisonment:</u> Min: 2,3,4, or 5 years Max: 15 years <u>Fine:</u> \$7,500</p> <p><u>Term of Imprisonment:</u> Max: 6 months <u>Fine:</u> > \$1,000</p> <p><u>Term of imprisonment:</u> Max: 90 days <u>Fine:</u> max \$750</p>
OKLAHOMA	<p><u>47 § 11-903. Negligent homicide</u> (a) 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 sixteen years of age or older in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.</p> <p>If homicide is DUI related, charge for first offense may be manslaughter and second offense may be Murder II. (Title 31, § 711, para. 1 and Title 21, § 701.8, para. 2) [From digest p 3-384]</p>	Misdemeanor	<p><u>Term of imprisonment:</u> max 1 year in county jail</p> <p><u>Fine:</u> min \$100 max \$1,000</p>
OREGON	<p><u>163.118. Manslaughter in the first degree.</u> (1) Criminal homicide constitutes manslaughter in the first degree when: (a) It is committed recklessly under circumstances manifesting extreme indifference to the value of human life;</p>	Class A Felony	<p><u>Term of Imprisonment:</u> Max: 20 years <u>Fine:</u> < \$300,000</p>

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
	<p><u>163.125. Manslaughter in the second degree.</u> (1) Criminal homicide constitutes manslaughter in the second degree when: (a) It is committed recklessly;</p> <p><u>163.145. Criminally negligent homicide.</u> (1) A person commits the crime of criminally negligent homicide when, with criminal negligence, the person causes the death of another person. (2) Criminally negligent homicide is a Class C felony.</p>	<p>Class B Felony</p> <p>Class C Felony</p>	<p><u>Term of Imprisonment</u> Max: 10 years <u>Fine:</u> < \$200,000</p> <p><u>Term of Imprisonment</u> Max: 5 years <u>Fine:</u> < \$100,000</p>
PENNSYLVANIA	<p><u>75 Pa.C.S.A. § 3732. Homicide by vehicle</u> Any person who unintentionally causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic except section 3731 [DUI] . . . is guilty of homicide by vehicle, a misdemeanor of the first degree, when the violation is the cause of death.</p> <p><u>75 Pa. C.S.A. § 3735. Homicide by vehicle while driving under influence</u> (a) Offense defined. -- Any person who unintentionally causes the death of another person as the result of a violation of section 3731 (relating to driving under the influence of alcohol or controlled substance) and who is convicted of violating section 3731 is guilty of a felony of the 2rd degree when the violation is the cause of death.</p>	<p>1st degree misdemeanor</p> <p>2nd degree felony</p>	<p><u>Term of imprisonment:</u> max 5 years (§1104) <u>Fine:</u> max \$10,000 (§1101)</p> <p><u>Term of imprisonment:</u> min 3 years mandatory (§ 3735) max 10 years (18 Pa. C.S. § 1103) <u>Fine:</u> max \$25,000 (18 Pa. C.S. § 1101)</p>
RHODE ISLAND	<p><u>R.I. Gen. Laws § 31-27-1. Driving so as to endanger, resulting in death</u> (a) When the death of any person ensues as a proximate result of an injury received by the operation of any vehicle in the reckless disregard of the safety of others, the person so operating the vehicle shall be guilty of "driving so as to endanger, resulting in death."</p> <p><u>R.I. Gen. Laws § 31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.</u> (a) When the death of any person other than the operator ensues as a proximate result of an injury received by the operation of any vehicle, the operator of which is under the influence of any intoxicating liquor, toluene, or any controlled substance as defined in Ch 28 or Title 21 or any combination thereof, the person so operating the vehicle shall be guilty of "driving under the influence of liquor or drugs, resulting in death."</p>	<p>Felony</p> <p>Felony (1st offense)</p> <p>Subsequent violation w/5 years</p>	<p><u>Term of imprisonment:</u> max 10 years (§ 31-27-1)</p> <p><u>Term of imprisonment:</u> min 2 years max 15 years (§ 31-27-2.2) <u>Fine:</u> min \$5,000 max \$10,000 (§ 31-27-2.2)</p> <p><u>Term of imprisonment:</u> min 5 years max 20 years (§ 31-27-2.2)</p>

STATE	VEHICULAR HOMICIDE, MANSLAUGHTER OR NEGLIGENT HOMICIDE STATUTES	FELONY OR MISDEMEANOR	PENALTY
	(2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake.		max 20 years (12. 33) <u>Fine:</u> max \$10,000
UTAH	<p><u>76-5-207. Automobile homicide</u> (1)(a) Criminal homicide is automobile homicide, a third degree felony, if the actor operates a motor vehicle while having a BAC of .08% or greater by weight, or while under the influence of alcohol, any drug, or the combined influence of alcohol and any drug, to a degree that renders the actor incapable of safely operating the vehicle, and causes the death of another by operating the vehicle in a negligent manner. ... (2)(a) Criminal homicide is automobile homicide, a second degree felony, if the actor operates a motor vehicle while having a BAC of .08% or greater by weight, or while under the influence of alcohol, any drug, or the combined influence of alcohol and any drug, to a degree that renders the actor incapable of safely operating the vehicle, and causes the death of another by operating the vehicle in a criminally negligent manner.</p>	<p>3rd degree felony</p> <p>2nd degree felony</p>	<p><u>Term of imprisonment:</u> max 5 years (76-3-203) <u>Fine:</u> max \$5,000 (76-3-301)</p> <p><u>Term of imprisonment:</u> min 1 year max 15 years <u>Fine:</u> max \$10,000</p>
VERMONT	<p><u>§ 1091. Negligent operation; grossly negligent operation</u> (b) Grossly negligent operation. (1) A person who operates a motor vehicle on a public highway in a grossly negligent manner shall be guilty of grossly negligent operation. ... (3)... If serious bodily injury as defined in section 1021 of Title 13 or death of any person other than the operator results, the person shall be imprisoned for not more than 15 years or fined not more than \$15,000.00, or both.</p> <p><u>23 V.S.A. § 1210. Penalties</u> (e) Death resulting. If the death of any person results from a violation of section 1201 of this title (DUI), the person convicted of the violation shall be fined not more than \$10,000 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this section do not limit or restrict prosecutions for manslaughter.</p>	Felony	<p><u>Term of imprisonment:</u> max 15 years <u>Fine:</u> max \$15,000</p> <p><u>Term of imprisonment:</u> min 1 year max 15 years <u>Fine:</u> max \$10,000</p>
VIRGINIA	<p><u>18.2-36.1. Certain conduct punishable as involuntary manslaughter.</u> A. Any person who, as a result of driving under the influence in violation of subdivision (ii), (iii), or (iv) of § 18.2.266, or any local ordinance substantially similar thereto, unintentionally causes the death of another person, shall be guilty of involuntary manslaughter.</p>	Class 5 Felony	<p><u>Term of imprisonment:</u> min 1 years max 10 years (18.2-10) Or in discretion of judge or jury, max 12 months in jail , max \$2,500 fine or both.</p>

