

Range of Impaired Driving Vehicular Homicide Sentences

Alabama	<p>0 to 10 years</p> <p>Criminally Negligent Homicide while driving under the influence: Not less than 1 year & 1 day or more than 10 years and may be fined not more than \$15,000. <i>Ala. §§13A-5-6; 13A-5-11; 13A-6-4(a), (c).</i></p>
Alaska	<p>0 to 99 years</p> <p>Case Law: Vehicular homicide can be second-degree murder, manslaughter, or criminally negligent homicide, depending on the degree of the risk created by the defendant's conduct and level of awareness of risk.</p> <p>Second-degree murder – At least 10 years but not more than 99 years and may be fined not more than \$500,000;</p> <p>Manslaughter (Class A felony) – Not more than 20 years and may be fined not more than \$250,000;</p> <p>Criminally negligent homicide (Class B felony) – Not more than 10 years and may be fined not more than \$100,000. <i>AS §§12.55.035; 12.55.125.</i></p>
Arizona	<p>None</p> <p>See A.R.S. §13-1102 and State v. Venegas, 669 P.2d 604 (Ariz. App. Div. 1 1983); A.R.S. § 13-1103 and State v. Montoya, 608 P.2d 92 (1980).</p> <p>Negligent Homicide – Class 4 Felony Manslaughter - Class 2 Felony.</p> <p><i>A.R.S. § 13-1102.; §13-1103</i></p>
Arkansas	<p>0 to 20 years</p> <p><u>Negligent homicide:</u> Class B felony-Not less than 5 years or more than 20 years and not more than \$15,000. <i>AR ST § 5-4-401(a)(3); AR ST § 5-4-201(a)(1). A.C.A. §§5-10-105(a); 27-50-307</i></p>
California	<p>0 to 10 years</p> <p><u>Gross Vehicular Manslaughter While Intoxicated:</u> Imprisonment in the state prison for 4, 6, or 10 years and not more than \$10,000.</p> <p><u>Vehicular Manslaughter While Intoxicated:</u> Imprisonment in the county jail for not more than 1 year, or imprisonment in the state prison for 16 months or 2 or 4 years and not more than \$10,000. <i>CA PENAL § 191.5(a), (b), (c); 193;</i></p>
Colorado	<p>0 to 24 years</p> <p>The range is 0-12 years unless aggravated and then can go up to 24 years. Vehicular Homicide, in statute is 4-12 years at Department of Corrections with 5 years parole. <i>C.R.S.A. §18-3-106(1)(b), (c); C.R.S.A. §§18-1.3- 401(1)(a), (13).</i></p>

<p>Connecticut</p>	<p>1 to 10 years <u>Class C felony</u>: A person is guilty of manslaughter with a motor vehicle if while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, that person causes the death of another person. Not less than 1 year or more than 10 years and/or a fine not to exceed \$10,000. <i>CT ST § 53a-56b. CT ST § 53a-25; CT ST § 53a-35a; CT ST § 53a-41.</i></p>
<p>Delaware</p>	<p>1 to 15 years First degree (death caused by criminally negligent driving while DWI) (Class C felony). Not less than 2 years (18 mo. mand) or more than 15 years. Second degree (death caused by criminally negligent driving or negligent driving while DWI) (Class D felony). Not less than 1 year or more than 8 years. Fines for each offense are ordered if the court deems appropriate <i>11 Del.C. §630A.; 11 Del.C. §630(a)(2); 11 Del.C. §§630(b); 630A(b); 4205(b)(3), (4); 4205(k)</i></p>
<p>D.C.</p>	<p>0 to 30 years Manslaughter: Not more than 30 years and may be fined not more than \$75,000 Negligent Homicide: Not more than 5 years and/or a fine of not more than \$12,500. <i>D.C. Code §§50-2203.01; 22- 3571.01.; 22-2105</i></p>
<p>Florida</p>	<p>0 to 15 years DUI Manslaughter 2nd degree felony: Not more than 15 years and/or not more than \$10,000. <i>F.S.A. §316.193(3)(c)(3); 782.071; 775.082(3)(c); 775.083(1)(b).</i></p>
<p>Georgia</p>	<p>0 to 20 years Vehicular Homicide in the first degree (felony) – Three to 15 years. Death where there is no “malice aforethought” but where there is either reckless driving or a DUI offense. Vehicular Homicide in the second degree (misdemeanor) – Not more than 1 year. Where the death is caused “without an intention to do so” and where there is neither reckless driving nor a DUI offense. Vehicular Homicide in the first degree (felony) – 5 to 20 years. Death where the defendant is a “Habitual Violator”, the license has been revoked and there is no “malice aforethought”. OGCA §§16-1-3(5); OGCA §40-6-393</p>

<p>Hawaii</p>	<p>0 to 10 years Negligent Homicide in the first degree: Death caused by negligent vehicle operation while DWI is a Class B felony. Not more than 10 years and may be fined not more than \$25,000. Negligent Homicide in the second degree: Death caused by negligent vehicle operation is a Class C felony. Not more than 5 years and may be fined not more than \$10,000. Negligent Homicide in the third degree: Death caused by simple negligence is Misdemeanor. Not more than 1 year or not more than \$2,000. Note: The following mandatory imprisonment sanctions apply when the person killed is 60 or older, blind, paraplegic, quadriplegic, or 8 or younger: 1) Negligent homicide in the first degree = 3 years, 4 months; Negligent homicide in the second degree = 1 year, 8 months HRS §§706-640; 706-660; 706-663; 707-702.5; 707-703; 707-704;</p>
<p>Idaho</p>	<p>0 to 15 years Vehicular Manslaughter: Not more than 15 years and/or not more than \$15,000. ID ST §18-4006(3)(b).</p>
<p>Illinois</p>	<p>0 to 28 years Aggravated DUI resulting in death. Class 2 felony: Not less than 3 years or more than 14 years (for death of 1 person) or not less than 6 years or more than 28 years (for death of 2 or more persons) and not more than \$25,000. The offender is required to serve 85% of any term of imprisonment. The court may not sentence the offender to probation unless the court finds that “extraordinary circumstances” exist requiring probation. 625 ILCS 5/11-501(d)(1)(F).625 ILCS 5/11-501(d)(2)(G); 730 ILCS 5/5-4.5-50(b).</p>
<p>Indiana</p>	<p>0 to 12 years First offense: Level 5 felony, A fixed term 1 of between 6 years (advisory sentence of 3 years) and may be fined not more than \$10,000. Repeat offense: Level 4 Felony, A fixed term of between 2 years and 12 years (advisory sentence of 6 years) and may be fined not more than \$10,000. IC §9-30-5-5.</p>
<p>Iowa</p>	<p>0 to 25 years Class B felony: Not more than 25 years. I.C.A. §707.6A; 902.9.</p>
<p>Kansas</p>	<p>0 to 172 months Involuntary Manslaughter while DUI: 38-172 months and not more than \$300,000. An unintentional death while DUI, Severity Level 4 Person Felony. Vehicle Homicide: Not more than 1 year and \$2,500 fine. Death caused by operation of a vehicle in a manner that causes unreasonable risk and which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances Class A Personal Misdemeanor. K.S.A. §21-5405; K.S.A. §21-5406; K.S.A. §§21-6602; 21-6611; 21-6804</p>

<p>Kentucky</p>	<p>1 to 10 years</p> <p>Manslaughter in the Second Degree: when a person wantonly causes the death of another person including situations where the death results from the person’s operation of a motor vehicle-Class C Felony– Not less than 5 years or more than 10 years and may be fined not less than \$1,000 or more than \$10,000.</p> <p>Reckless Homicide: when a person, with recklessness causes the death of another person-Class D Felony – Not less than 1 year or more than 5 years and may be fined not less than \$1,000 or more than \$10,000.</p> <p><i>KY ST § 507.040; Spring v. Com., 998 S.W.2d 439 (Ky. 1999). KY ST § 507.050; Farmer v. Com., 6 S.W.3d 144 (Ky.App. 1999).KY ST § 532.060; KY ST § 534.030.</i></p>
<p>Louisiana</p>	<p>3 to 30 years</p> <p>Vehicular Homicide: Not less than 5 years (3 years mand) or more than 30 years and not less than \$2,000 or more than \$15,000.</p> <p><i>LA R.S. § 14:32.1(B).</i></p>
<p>Maine</p>	<p>6 months to 10 years</p> <p>Class B Crime: Not less than 6 months or more than 10 years and not less than \$2,100 or more than \$20,000.</p> <p><i>29-A M.R.S.A. §2411(D-2).</i></p>
<p>Maryland</p>	<p>0 to 5 years</p> <p>Homicide while DUI: Not more than 5 years and/or not more than \$5,000.</p> <p>Homicide while Impaired: Not more than 3 years and/or not more than \$5,000.</p> <p><i>MD CRIM LAW § 2-503.</i></p>
<p>Massachusetts</p>	<p>0 to 15 years</p> <p>Negligently or recklessly: Not less than 2½ years or more than 15 years (or not less than 1 year or more than 2½ years in jail or house of correction) and not more than \$5,000.</p> <p>negligence or recklessness: Not less than 30 days or more than 2½ years and/or not less than \$300 or more than \$3,000.</p> <p><i>MA ST 90 § 24G.</i></p>
<p>Michigan</p>	<p>0 to 20 years</p> <p>Not more than 15 years and/or not less than \$2,500 or more than \$10,000.</p> <p>If a driver fails to exhibit due care and caution when approaching and passing a stationary authorized emergency vehicle giving visual signal and causes the death of a police officer, firefighter or other emergency response personnel, punishment is: not more than 20 years and/or a fine of not less than \$2,500 or more than \$10,000.</p> <p><i>MI ST § 257.625(4)</i></p>
<p>Minnesota</p>	<p>0 to 10 years</p> <p>Death as a result of operating a motor vehicle is Not more than 10 years and/or not more than \$20,000 for DUI or in a grossly negligent manner</p> <p><i>M.S.A. §609.2112.</i></p>

Mississippi	<p>0 to 25 years Not less than 5 years or more than 25 years and may be fined not more than \$10,000. <i>Miss. Code Ann. §§63-11-30(5)</i></p>
Missouri	<p>0 to 15 years Class C felony: with death to any person —Not more than 7 years and/or not more than \$5,000. Class B felony: Death to any person not a passenger, to two or more persons, or while BAC is at least 0.18 —Not less than 5 years or more than 15 years. <i>MO ST § 565.024. MO ST § 558.011</i></p>
Montana	<p>0 to 30 years Not more than 30 years and/or not more than \$50,000. There is a mandatory term, as the imposition of the sentence cannot be deferred. The specific term, however, is not listed. <i>MT ST § 45-5-106; MCA §45-5-106(3).</i></p>
Nebraska	<p>0 to 50 years Class II felony: If offender has a prior DUI conviction or driving on a revoked license where DUI was the cause for revocation. Not less than 1 year or more than 50 years. Class IIA felony: Not more than 20 years. <i>NE ST § 28-105; 28-306(3)</i></p>
Nevada	<p>2 to 25 years Vehicular homicide (DUI-death with 3 prior like offenses)-Imprisonment for life with parole eligibility after 10 years, or a definite term of 25 years. DUI Death: Not less than 2 years or more than 20 years and not less than \$2,000 or more than \$5,000. <i>N.R.S. §§484C.430(1); N.R.S. §484C.440.</i></p>
New Hampshire	<p>0 to 15 years Negligent Homicide: Class A felony, not more than 15 years and may be fined not more than \$4,000. <i>NH ST § 630:3. NH ST § 651:2.</i></p>
New Jersey	<p>3 to 10 years Crime of the second degree: Not less than 5 years or more than 10 years and/or not more than \$150,000. The minimum sentence is either between one-third and one-half of the sentence imposed or 3 years whichever is greater. <i>NJ ST § 2C:43-3(a)(2); NJ ST § 2C:43 6(a)(2).</i></p>
New Mexico	<p>0 to 6 years 3rd Degree felony: 6 years and may be fined not more than \$5,000. <i>NM ST § 31-18-15. NM ST § 66-8-101.</i></p>

<p>New York</p>	<p>1 to 15 years Vehicular manslaughter in the 2nd degree: Class D felony, not more than 7 years and/or not more than \$5,000. Vehicular manslaughter in the 1st degree (BAC > 0.18): Class C felony-Not more than 15 years and/or not more than \$15,000. <i>NY Penal § 125.12. NY Penal § 70.00; NY Penal § 80.00.</i></p>
<p>North Carolina</p>	<p>0 to 40 years Felony Death by Vehicle: Class E felony, sentence is 15-98 months depending on the person’s criminal history and aggravating/mitigating factors. Aggravated Felony Death by Vehicle: Class D felony, sentence is 38-229 months depending on the person’s criminal history and aggravating/mitigating factors. Repeat Felony Death by Vehicle Offender: Class B2 felony, sentence is 94-480 months depending on the person’s criminal history and aggravating/mitigating factors. <i>NC ST § 15A-1340.17; NC ST § 20-141.4.</i></p>
<p>North Dakota</p>	<p>3 to 20 years Class A Felony – maximum of 20 years imprisonment and a fine of \$20,000. 1st offense: 3 years minimum, 2nd offense: 10 years minimum. <i>NDCC §12.1-32-01(2)</i></p>
<p>Ohio</p>	<p>0 to 15 years Aggravated Vehicular Homicide First offense (2nd degree felony) – 2 to 8 years and may be fined not more than \$15,000; Subsequent offense (1st degree felony) – 3 to 10 years and may be fined not more than \$20,000. Involuntary Manslaughter: First offense (3rd degree felony) – 9 to 36 months; Subsequent offense (1st degree felony) – 3 to 11 years. Aggravated Vehicular Homicide Specification: mandatory prison time if offender has 3 or more OVI convictions within 6 years, or 2 more felony OVI convictions – 10 to 15 years. <i>OH ST § 2929.14; OH ST § 2929.142; OH ST § 2929.18. OH ST § 2903.06(A)(1)(a). OH ST § 2903.04.OH ST § 2929.142.</i></p>
<p>Oklahoma</p>	<p>0 to 1 year Negligent Homicide: Not more than 1 year in the county jail and/or not less than \$100 or more than \$1,000. <i>47 Okl.St.Ann. §11-903.</i></p>
<p>Oregon</p>	<p>0 to 20 years First Degree Manslaughter: 10 years. Second Degree Manslaughter: 10 years. Criminally Negligent Homicide: Class B felony, Not more than 10 years and/or not more than \$250,000. Aggravated Vehicular Homicide: subsequent offense is a Class A felony, Not more than 20 years and/or not more than \$375,000. <i>OR ST § 163.118. OR ST § 163.125. OR ST 163.145. OR ST § 161.605 OR ST § 163.149. OR ST § 161.605; OR ST § 161.625.</i></p>

Pennsylvania	<p>3 to 10 years</p> <p>Homicide by Vehicle While Driving Under the Influence: 2nd Degree Felony, minimum of 3 years and not more than 10 years and/or not more than \$25,000. <i>18 Pa.C.S.A. § 1101; 18 Pa.C.S.A. § 1104. 75 Pa.C.S.A. § 3735.</i></p>
Rhode Island	<p>5 to 20 years</p> <p>First offense: Not less than 5 years or more than 15 years and not less than \$5,000 or more than \$10,000.</p> <p>Second or subsequent offense (within 5 years): Not less than 10 years or more than 20 years and not less than \$10,000 or more than \$20,000. <i>RI ST § 31-27-2.2.</i></p>
South Carolina	<p>1 to 25 years</p> <p>Not less than 1 year or more than 25 years and not less than \$10,100 or more than \$25,100. <i>SC ST § 56-5-2945(A)(2).</i></p>
South Dakota	<p>0 to 15 years</p> <p>Class 3 felony: Not more than 15 years and a fine of \$30,000 may be imposed. <i>SD ST § 22-16-41.SD ST § 22-6-1</i></p>
Tennessee	<p>48 hours to 60 years</p> <p>Vehicular Homicide: Class B felony, not less than 8 years or more than 30 years and a fine of not more than \$25,000 may be imposed.</p> <p>Aggravated Vehicle Homicide: Class A felony, not less than 15 years or more than 60 years and a fine of not more than \$50,000 may be imposed. <i>T.C.A. §39-13-218; T.C.A. §39-13-213(2)(B)-(E)</i></p>
Texas	<p>120 days to 99 years</p> <p>Intoxication Manslaughter: Second degree felony, not less than 2 years or more than 20 years and may be fined not more than \$10,000. First Degree felony, not less than five years, or more than 99 years or life and may be fined not more than \$10,000. The minimum term is 120 days if community supervision is granted. <i>V.T.C.A., Penal Code §49.08.; §49.09(b-2); §12.33; §12.32;</i></p>
Utah	<p>0 to 15 years</p> <p>Third Degree Felony: Not more than 5 years and/or not more than \$5,000.</p> <p>Second Degree Felony: Not less than 1 year or more than 15 years and/or not more than \$10,000. <i>U.C.A. 1953 §76-3-203; 76-3-301; 76-5-207.</i></p>
Vermont	<p>0 to 15 years</p> <p>Not less than 1 year or more than 15 years and/or not more than \$10,000. There is a minimum sentence of five years for Third or subsequent offenders, unless if there are written findings by the court that a suspended sentence or term of imprisonment of less than 5 years serves the interests of justice and public safety. <i>23 VSA §1210(f)</i></p>

<p>Virginia</p>	<p>0 to 20 years</p> <p>Involuntary Manslaughter: Not less than 1 year or more than 10 years, or not more than 12 months and/or not more than \$2,500.</p> <p>Aggravated Involuntary Manslaughter: Not less than 1 year or more than 20 years. <i>VA ST § 18.2-10; VA ST § 18.2-36.1.</i></p>
<p>Washington</p>	<p>0 to 177 months</p> <p>Class A felony: Life Imprisonment and/or not more than \$50,000. An offender may serve 31 to 177 months of actual incarceration. The sentencing guidelines require a period of incarceration. <i>RCWA §46.61.520; RCWA §9A.20.021(1)(a).</i></p>
<p>West Virginia</p>	<p>0 to 15 years</p> <p>DUI Death–Reckless Disregard (felony): Not less than 3 years or more than 15 years and not less than \$1,000 or more than \$3,000. Any person whose driving under the influence is the proximate cause of death within 1 year, and commits the act in reckless disregard of the safety of others, commits a felony. It must be shown that the alcohol consumption contributed to the cause of death. The misdemeanor does not contain the added element of reckless disregard <i>WV ST § 17C-5-2 (b); W. Va. Code §17C-5-2(r).</i></p>
<p>Wisconsin</p>	<p>0 to 40 years</p> <p>First conviction: Class D felony, not more than 25 years and/or not more than \$100,000.</p> <p>Subsequent conviction: Class C felony Not more than 40 years and/or not more than \$100,000. <i>WI ST § 939.50. WI ST § 940.09.</i></p>
<p>Wyoming</p>	<p>0 to 20 years</p> <p>Aggravated homicide by vehicle is a felony. Not more than 20 years. <i>WY ST § 6-2-106</i></p>

[Source: Digest of Impaired Driving and Selected Beverage Laws, NHTSA 2017](#)