



SUMMARY OF UNATTENDED KIDS IN CARS LAWS

BACKGROUND

Safe Kids researched state laws related to leaving children unattended in cars. Based on our research to date, there are fourteen states that have these types of laws.

The fourteen states that have laws that prohibit leaving children unattended in an automobile include **California, Connecticut, Florida, Illinois, Kentucky, Louisiana, Maryland, Missouri, Nebraska, Nevada, Pennsylvania, Rhode Island, Texas, and Washington.** Penalties for leaving children alone range from noncriminal traffic infractions to second-degree manslaughter charges if the child dies as a result from being left alone in the car. Additionally, there is a wide age range of children that pertain to these laws. Below you will find a brief summary of each law.

Please note that even if a state does not have a specific law prohibiting adults from leaving children unattended, state and local prosecutors have the discretion to criminally charge adults under existing child endangerment laws.

EXISTING LAWS (14)

1) California – Children under age 7 may not be left alone in a motor vehicle. The child is not considered unattended if he/she is accompanied by someone age 12 or older. Police may issue a \$100 ticket to any parent or guardian who leaves a child unattended. In addition, the child's health and safety must be at risk for a fine to be given, or the vehicle's engine running and/or the keys in the ignition. The fine would be issued if the child was not harmed; if the child was harmed, the parent or guardian would face appropriate criminal charges.

2) Connecticut – Children under age 12 may not be left unsupervised in a public place or motor vehicle. All offenses are considered a class A misdemeanor, which carries a maximum one year prison term and/or a fine of no more than \$2,000. However, if a child is left unattended in a motor vehicle anytime between 8 p.m. and 6 a.m. that presents a substantial risk to the child's health and safety, the penalty is considered a class C felony, which carries a prison term in excess of one year and/or a fine of no more than \$10,000.

3) Florida – Children under age 6 may not be left alone in a motor vehicle for a period in excess of 15 minutes if the motor is not running. A child under the age of 6 may not be left in a motor vehicle for any length of time if the motor is running or the health of the child is in danger. The fine for violation can be no more than \$100 or a fine of \$50 to \$500 if the motor is running or the health of the child is in danger.

4) Illinois – Children under age 7 may not be left unattended in a motor vehicle in excess of 10 minutes. A child is considered unattended if he/she is not accompanied by a person age 14 or older; or if the child is accompanied by a person ages 14 or older, but is out of sight of that person. First offenses are considered class A misdemeanors, punishable by a term of imprisonment – in other than a penitentiary – for less than one year. Second or subsequent violations are considered class 3 felonies. If the child dies, the offense is punishable by a 2 to 10 year term of imprisonment.

5) Kentucky – Bryan’s Law: It is illegal for a person to cause the death of a child under the age of 8 as a result of leaving that child unattended in a motor vehicle. The offender who left the child can be charged with manslaughter in the second degree. In addition to any other punishment imposed, the offender may be subject to a fine of \$1,000 to \$10,000.

6) Louisiana – It is illegal for any driver or operator to leave a child under the age of 6 unattended and unsupervised in a motor vehicle. A child is considered to be unattended if left in a motor vehicle when the driver is more than ten feet from the vehicle and is unable to continuously observe the child. A child is considered to be unsupervised if a person ten years of age or older is not physically present in the vehicle. First offenses carry a maximum fine of \$500 or term of imprisonment of no more than six months, or both. Second or subsequent offenses carry a term of imprisonment of at least one year, but no more than two years, or a fine between \$1000 – \$2000, or both.

7) Maryland – Children under the age of 8 may not be left unattended in a motor vehicle. A child is considered supervised if accompanied by someone age 13 or older. If found guilty of this misdemeanor, offenders would be subject to a maximum \$500 fine and/or up to 30 days in jail.

8) Missouri – A child under the age of 11 may not be left unattended in a motor vehicle. A child is considered supervised when accompanied by someone age 14 or older. If the unattended child injures another person by causing a motor vehicle crash or by causing the motor vehicle to injure a pedestrian, then the parent or guardian of the child may be subject to a fine not to exceed \$1,000. If the unattended child kills another person by causing a motor vehicle crash or by causing the motor vehicle to kill a pedestrian, then the parent or guardian of the child may be subject to a fine not to exceed \$5,000.

9) Nebraska – A child under the age of 7 may not be left unattended in a motor vehicle. All offenses are punishable by a maximum of three months imprisonment or a fine of \$500 or both.

10) Nevada – A child ages 7 or younger cannot be left unattended in a motor vehicle if the conditions present a significant risk to his/her health or safety, or if the engine is left running or

the keys are in the ignition. A child is considered to be supervised if within the sight of a person at least 12 years of age.

The court may dismiss the charges if the violator presents proof that he/she completed an educational program about the dangers of leaving a child unattended in a motor vehicle.

11) Pennsylvania – The person driving or in charge of a motor vehicle may not leave a child under the age of 6 unattended in that motor vehicle. All offenses are punishable by imprisonment for up to 90 days and/or a fine not to exceed \$300.

12) Rhode Island – A child under age 7 may not be left unattended in a motor vehicle. Law enforcement officers are authorized to issue a verbal warning to the parent/caregiver about the dangerous practice of leaving a child unattended in a motor vehicle.

13) Texas – A child under age 7 may not be left unattended in a motor vehicle. A child is considered supervised if accompanied by someone age 14 or older. All offenses are punishable by a fine not to exceed \$500.

14) Washington – A child under the age of 16 may not be left unattended in a motor vehicle with its engine running. The first offense is punishable by a fine of no more than \$1,000 or by imprisonment in a county jail for no more than 90 days, or both. A subsequent violation may constitute suspension of the offender's driver's license.

A person may not leave a child under the age of 12 unattended in a parked automobile while he/she enters a tavern or other establishment where liquors are dispensed for consumption. Offenses are punishable by a fine of no more than \$1,000 and/or imprisonment in a county jail for not more than ninety days.