



Existing State Laws

The states that currently have laws regarding children left unattended in a motor vehicle:

- California
- Connecticut
- Florida
- Illinois
- Louisiana
- Maryland
- Nebraska
- Nevada
- Pennsylvania
- Tennessee
- Texas
- Washington

The states that currently have laws if an injury or fatality occurs when a child is left unattended in a motor vehicle:

- Kentucky
- Missouri

**Unattended Child in Motor Vehicle Act “Kaitlyn’s Law”
California Vehicle Code Sections 15620, 15630, 15632**

15620. (a) A parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 12 years of age or older, under either of the following circumstances:

(1) Where there are conditions that present a significant risk to the child's health or safety.

(2) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

(b) A violation of subdivision (a) is an infraction punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged and the court, instead, refers the defendant to a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and provides certification of completion of that program. Upon completion of that program, the defendant shall provide that certification to the court. The court may, at its discretion, require any defendant described in this section to attend an education program on the dangers of leaving young children unattended in motor vehicles.

(c) Nothing in this section shall preclude prosecution under both this section and Section 192 of the Penal Code, or Section 273a of that code, or any other provision of law.

(d) (1) Subdivision (b) and Section 40000.1 do not apply if an unattended child is injured or medical services are rendered on that child because of a violation described in subdivision (a).

(2) Nothing in this subdivision precludes prosecution under any other provision of law.

15630. Notwithstanding any other provision of law, the fines collected for a violation of this division shall be allocated by the county treasurer, as follows:

(a) (1) Seventy percent to the county or city health department where the violation occurred, to be used for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles.

(2) A county or city health department may develop and implement the community education program described in paragraph (1) or may contract for the development and implementation of that program.

(3) As the proceeds from fines collected under this division become available, each county or city health department shall prepare and annually update a listing of community education programs that provide information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger. The county or city health department shall forward the listing to the courts and shall make the listing available to the public, and may distribute it to other agencies or organizations.

(b) Fifteen percent to the county or city for the administration of the program, from which will be paid the cost of the county to account for and disburse fine revenues.

(c) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount shall be deposited in the county's general fund.

15632. (a) The department shall include information concerning the dangers of leaving children unattended in motor vehicles, including, but not limited to, the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with Chapter 2 (commencing with Section 15620), in the following materials distributed by the department:

(1) The California Driver's Handbook published under subdivision (b) of Section 1656.

(2) The driver's license examination administered under Section 12804.9, by including, on a rotating basis, at least one question in one version of the driver's license examination that is periodically administered to applicants.

(3) Any driver's education materials certified by the department.

(4) Courses and examinations for traffic violator schools.

(5) Materials provided to secondary and post-secondary schools and educational institutions.

(6) Any materials provided to community education campaigns undertaken by the department and other state agencies, including, but not limited to, the Department of the California Highway Patrol and the Department of Transportation.

(b) The department shall not republish materials before existing supplies are exhausted, but shall arrange for compliance with this section in the next edition or publication of those materials in the normal course of business.

CONNECTICUT STATE LAW

Senate Bill No. 1017 PUBLIC ACT NO. 97-298

AN ACT CONCERNING THE PENALTY FOR LEAVING A CHILD UNSUPERVISED IN A PLACE OF PUBLIC ACCOMMODATION OR A MOTOR VEHICLE. (Approved July 8, 1997)

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- (a) Any parent, guardian or person having custody or control, or providing supervision, of any child under the age of twelve years knowingly leaves such child unsupervised in a place of public accommodation or a motor vehicle for a period of time that presents a substantial risk to the child's health or safety, shall be guilty of a class A misdemeanor.
- (b) Any parent, guardian or person having custody or control, or providing supervision, of any child under the age of twelve years who knowingly leaves such child unsupervised in place of public accommodation, which holds a permit issued under chapter 545 of the general statutes for the sale of alcoholic liquor for consumption on the premises, for a period of time that presents a substantial risk to the child's health or safety, shall be guilty of a class D felony.
- (c) Any parent, guardian or person having custody or control, or providing supervision, of any child under the age of twelve years who knowingly leaves such child unsupervised in place of public accommodation or a motor vehicle between the hours of eight o'clock p.m. and six o'clock a.m. for a period of time that presents a substantial risk to the child's health or safety, shall be guilty of a Class C felony
- (d) Child abandonment is a Class 4 felony. A second or subsequent offense after a prior conviction a is Class 3 felony Public Act 97-298, Effective October 1, 1997, Unsupervised Children
This Act creates penalties for leaving a child under the age of twelve unsupervised for a time that presents a substantial risk to the child's health or safety.
 - 1. Class A misdemeanor - in a place of public accommodation or a motor vehicle.
 - 2. Class D felony - in a place of public accommodation which holds a liquor license.
 - 3. Class C felony - in a place of public accommodation or a motor vehicle between the hours of 8:00 p.m. and 6:00 a.m.

FLORIDA STATE LAW FSS 316.6135 Leaving children unattended or unsupervised in motor vehicle; penalty; authority of law enforcement officer.

(1) No parent, legal guardian, or other person responsible for a child younger than 6 years of age shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes; however, no such person shall leave a child unattended for any period of time if the motor vehicle is running or the health of the child is in danger.

(2) Any person who violates the provisions of subsection (1) is guilty of a noncriminal traffic infraction, punishable by a fine of:

(a) Not more than \$100; or

(b) Not less than \$50 and not more than \$500 if the motor vehicle was running or the health of the child was in danger at the time of violation.

(3) Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may use whatever means are reasonably necessary to protect the minor child and to remove him from the vehicle.

(4) If the child is removed from the immediate area notification should be placed on the vehicle.

(5) The child shall be remanded to the custody of the Department of Health and Rehabilitative Services pursuant to chapter 39, unless the law enforcement officer is able to locate the parents or legal guardian or other person responsible for the child.

ILLINOIS LAW- Sec. 12-21.6. Endangering the life or health of a child.

(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health.

(a-5) A person commits the offense of endangering the life or health of a child if he or she leaves a child unattended in a motor vehicle. For purposes of this subsection:

(1) There is a rebuttable presumption that a person committed the offense if he or she left a child unattended in a motor vehicle for more than 10 minutes.

(2) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.

KENTUCKY STATE LAW-Bryan's Law KRS 507.020_An act relating to crimes and punishments and naming the statute "Bryan's Law."

Relating to manslaughter in the second degree when a person wantonly causes the death of another through the operation of a motor vehicle or the death of a child leaving that child in a motor vehicle to specify that leaving a child under 8 years of age in a motor vehicle without an attendant at least 16 years of age may constitute manslaughter in the second degree; Amend KRS 508.010 relating to assault in the first degree to specify that leaving a child under 8 years of age in motor vehicle without an attendant at least 16 years of age may constitute assault in the first degree if the child suffers physical serious injury as a result thereof; Amend KRS 508.060 relating to wanton endangerment in the first degree to specify that leaving a person with a physical or mental disability precluding taking self protected actions or leaving a child under 8 years of age in a motor vehicle without an attendant at least 16 years of age may be wanton endangerment in the first degree.

LOUISIANA STATE LAW RS 32:295.3

§295.3. Leaving children unattended and unsupervised in motor vehicles; prohibition; penalties

A. It is unlawful for any driver or operator to leave a child or children under the age of six years unattended and unsupervised in a motor vehicle.

B.(1) The term "unattended" as used in this Section means a child who has been left in a motor vehicle when the driver or operator of the vehicle is more than ten feet from the vehicle and unable to continuously observe the child.

(2) The term "unsupervised" as used in this Section means an unattended child when a person ten years of age or older is not physically present in the motor vehicle.

C.(1) A law enforcement officer who observes a child left unattended and unsupervised for a period in excess of ten minutes in violation of the provisions of this Section shall use whatever means are reasonably necessary to protect the child and remove the child from the motor vehicle.

(2) If the child is removed from the immediate area by a law enforcement officer pursuant to the provisions of this Section, the law enforcement officer shall place notification on the motor vehicle. The law enforcement officer shall hold the child until the parent or guardian returns.

D. Whoever violates this Section shall be fined not more than twenty-five dollars.

E. Any law enforcement officer acting in good faith pursuant to the provisions of this Section shall have immunity from any civil liability that otherwise might be incurred or imposed.

Acts 2003, No. 1032, §3.

MARYLAND STATE LAW *Subtitle 8. Unattended Children. 5-801.* Confinement in dwelling, building, enclosure, or motor vehicle.

- (a) *In general*-A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.
- (b) *Penalties for Violation*- A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 30 days, or both.

MISSOURI STATE LAW SECTION 568.052 Creates the crime of leaving a child unattended in a motor vehicle.
The crime is a Class A misdemeanor if an unattended child 10 years of age or less causes the motor vehicle to injure another person, and a C felony if the injury is fatal. This portion of the act is identical to HB1146.

NEBRASKA STATE LAW Revised Statutes 28-710 For purposes of sections 28-710-28-727, unless the context otherwise requires.

(1) Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (b) Cruelly confined or cruelly punished;
- (c) Deprived of necessary food, clothing, shelter, or care;
- (d) Left unattended in a motor vehicle if such child is six years of age or younger;

NEVADA STATE LAW (Effective October 1, 2005)

Senate Bill No. 287–Senator Wiener Joint Sponsor: Assemblyman Horne

CHAPTER.....

AN ACT relating to crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides criminal penalties for the abuse, neglect or endangerment of a child. Such penalties include punishment for a category A felony with the possibility of imprisonment for life if the child suffers substantial bodily harm or punishment for a category B felony or a category C felony depending on the circumstances. (NRS 200.508-200.5085) In addition, existing law authorizes the district attorney to refer a person who is suspected of committing an act that may constitute abuse and neglect of a child for treatment and counseling. (NRS 200.5081)

This bill prohibits a parent, legal guardian or other person who is responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving the child in a motor vehicle without the supervision of a person who is at least 12 years of age if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys to the vehicle are in the ignition. A person who violates this provision is guilty of a misdemeanor. However, this bill allows a court to suspend the proceedings and dismiss the proceedings if the person completes an educational program satisfactory to the court. This bill further provides that the penalties of this provision do not apply if the person may be prosecuted under another provision of law. Thus, if the conduct of the parent, legal guardian or other person rises to the level of abuse or neglect of the child, this provision would not apply.

Existing law provides for the sealing of records related to the arrest and prosecution of a person for a crime, including the sealing of records after charges are dismissed or a person is acquitted of the charges. (NRS 179.255) After the records are sealed, all proceedings related to the record are deemed never to have occurred. (NRS 179.285) Nevertheless, in limited circumstances, certain persons may inspect sealed records. (NRS 179.301)

This bill amends the provision which authorizes certain persons to inspect sealed records to authorize a prosecuting attorney to inquire into and inspect such records if: (1) the records relate to a violation or alleged violation of the prohibition on leaving a child who is 7 years of age or younger in a motor vehicle without the required supervision; and (2) the person who is the subject of the records has been arrested or issued a citation for a violation of that provision.

PENNSYLVANIA STATE LAW Section 3701.1. Leaving an unattended child in a motor vehicle.

- (a) General rule-A person driving or in charge of a motor vehicle may not permit a child under six years of age to remain unattended in the vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety, or welfare of the child.
- (a.1) Applicability-This section shall apply to the highways and traffic ways of this Commonwealth and, for the purpose of this section only, the term "traffic ways" shall include but not be limited to, parking lots.
- (b) Penalty- A person who violates this section commits a summary offense.

TENNESSEE STATE LAW (Effective July 1, 2007)

SENATE BILL 270

By Tracy

HOUSE BILL 304

By Hood

AN ACT to amend Tennessee Code Annotated, Title 55,

Chapter 10, relative to motor vehicle crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, is amended by adding sections 2 through 5 of this act as a new part thereto.

SECTION 2. This act shall be known and may be cited as the "Tennessee Unattended Children in Motor Vehicle Safety Act".

SECTION 3. As used in this part:

(1) "Motor vehicle" means any self-propelled vehicle including a truck, truck tractor, motor bus, or other vehicle not operated exclusively or driven on fixed rails or tracks; and

(2) "Unattended child" means a child younger than seven (7) years of age who is not accompanied by another person who is at least thirteen (13) years of age.

SECTION 4.

(a) It is an offense for a person responsible for a child younger than seven (7) years of age to knowingly leave that child in a motor vehicle without being supervised in the motor vehicle by a person who is at least thirteen (13) years of age if:

(1) The conditions present a risk to the child's health or safety;

(2) The engine of the motor vehicle is running; or

(3) The keys to the motor vehicle are located anywhere inside the passenger compartment of the vehicle.

(b) A violation of this section is a Class B misdemeanor punishable only by a fine of two hundred dollars (\$200) for the first offense.

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(c) A second or subsequent violation of this section is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500).

SECTION 5.

(a) Any person violating the provisions of this part may be required, at the discretion of the court, to attend a community education course approved by the department of safety that includes education on the dangers of leaving young children unattended in motor vehicles in addition to or in lieu of any portion of other penalty imposed. If such course is approved by the department, it may be operated and conducted by a:

(1) County, municipality or other entity of local government;

(2) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or

(3) Private entity provided such entity meets all of the requirements of § 40-35-302(g) for private entities providing misdemeanor probation supervision services.

(b) A reasonable fee between fifty dollars (\$50.00) and one hundred seventy-five dollars (\$175) may be assessed for the community education course. No fee shall be assessed upon proof of a person's inability to pay. The fee shall apply only to community education courses which may be required pursuant to this section, and shall not apply to any program offered pursuant to the provisions of title 49, chapter 1, or to any other driving instruction school.

(c) By operating a community education course pursuant to the provisions of subsection (a), the entity operating or conducting such course consents to the inspection of all records concerning such course by the department of safety; provided, that inspection made pursuant to this subsection shall not preclude inspection of any records

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pursuant to any other applicable provision of law.

(d) Each court clerk shall provide a list of approved entities in such county to any person ordered to attend a community education course.

(e) Nothing in this section shall be construed to prohibit prosecution under any other provision of law.

SECTION 6. This act shall take effect on July 1, 2007, the public welfare requiring it.

TEXAS STATE LAW Codes 22.10 Leaving a Child in a Vehicle

(a) A person commits an offense if he intentionally or knowingly leaves a child in a motor vehicle for longer than five minutes, knowing that the child is:

- (1) younger than seven years of age; and
- (2) not attended by an individual in the vehicle who is 14 years of age or older.

(b) An offense under this section is a Class C misdemeanor.

** If the child is injured the charge is then child endangerment which is a felony. The penalties are six months to two years in jail and a fine up to \$10,000.

WASHINGTON STATE LAW 46.61.685 Leaving Children unattended in standing vehicle with motor running-Penalty.

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor.

Upon a subsequent conviction for a violation of this section, the department shall revoke the operator's license of such person.