

WYOMING DUI CHILD PROTECTION ACT

LEGISLATURE OF THE STATE OF WYOMING
2027 General Session

SENATE FILE NO. _____ / HOUSE BILL NO. _____

Sponsored by: Senator(s) [TO BE DETERMINED]

Cosponsored by: Representative(s) [TO BE DETERMINED]

A BILL

for

AN ACT relating to motor vehicles; amending Wyoming Statute 31-5-233 to enhance penalties for driving under the influence with a child passenger; expanding the definition of "child passenger"; establishing mandatory minimum sentences, fines, and treatment requirements; creating the offense of aggravated child endangerment by impaired driving; providing felony penalties for serious injury or death; requiring child protective services notification; establishing ignition interlock requirements; creating limitations on plea bargaining; establishing the Child Passenger Protection Fund; providing for an effective date; and providing for other purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

SECTION 1. **LEGISLATIVE FINDINGS AND DECLARATION OF INTENT**

**** (a) Findings. ****

The Legislature of the State of Wyoming finds and declares that:

(i) Children under eighteen (18) years of age are uniquely vulnerable passengers who cannot exercise independent judgment regarding whether to enter or remain in a vehicle operated by an impaired driver;

(ii) Driving under the influence of alcohol or controlled substances with a child passenger represents a profound breach of the fundamental duty of care that adults owe to minors and creates exceptional and unjustifiable risks to child safety and welfare;

(iii) Wyoming currently ranks second (2nd) in the nation for driving under the influence fatalities per capita, with 6.78 deaths per 100,000 residents, third (3rd) for DUI arrest rate at 629.12 per 100,000 licensed drivers, and fourth (4th) overall for drunk driving severity;

(iv) Wyoming experiences over one thousand one hundred (1,100) alcohol-involved crashes annually, resulting in more than fifty (50) deaths and nearly four hundred (400) injuries each year;

(v) Nationally, two hundred eighty-three (283) children ages zero through fourteen (0-14) are killed annually in alcohol-impaired driving crashes, with fifty-five percent (55%) being passengers of the impaired driver, and seventy-one percent (71%) of impaired drivers surviving when their child passenger dies;

(vi) The median blood alcohol concentration in crashes involving child passenger fatalities is 0.15 g/dL, nearly double the legal limit, demonstrating that drivers who endanger children are typically severely impaired;

(vii) Current Wyoming law, W.S. 31-5-233(m), provides for enhanced penalties when a person eighteen (18) years or older commits DUI with a child passenger under sixteen (16) years of age, but imposes no mandatory minimum jail time, no mandatory minimum fine, no mandatory ignition interlock device, no mandatory substance abuse treatment, and no mandatory notification to child protective services;

(viii) Under current law, first-time offenders may receive probation, suspended sentences, or deferred adjudication, and convictions may be expunged after five (5) years, resulting in minimal deterrent effect and inadequate protection for children;

(ix) Research demonstrates that mandatory minimum sentences combined with court-ordered substance abuse treatment reduce repeat DUI offenses by up to seventy-five percent (75%), and ignition interlock devices reduce DUI re-arrests by sixty-seven percent (67%) while installed;

(x) Several states, including Tennessee, have enacted comprehensive DUI child endangerment statutes with mandatory minimum jail sentences, mandatory fines, required substance abuse treatment, mandatory ignition interlock devices, and automatic child protective services notification, demonstrating successful legislative models that prioritize child safety;

(xi) Tennessee's child endangerment DUI statute, upon which this Act is modeled, has proven effective in reducing recidivism, protecting children, and establishing clear consequences for endangering minors;

(xii) Enhanced penalties for child endangerment DUI serve both as punishment proportionate to the heightened culpability involved in endangering helpless children and as a deterrent to prevent such dangerous conduct;

(xiii) Protecting children from impaired drivers advances the State's compelling governmental interest in child welfare, public safety, and the preservation of life; and

(xiv) Wyoming should join other states in recognizing that DUI offenses involving child passengers constitute a distinct and more serious category of criminal conduct warranting mandatory enhanced sanctions beyond standard DUI penalties.

**** (b) Intent. ****

It is the intent of the Legislature that this Act:

(i) Establish mandatory minimum enhanced penalties for any person who commits DUI with one or more child passengers present in the vehicle;

(ii) Expand child passenger protections from children under sixteen (16) to all persons under eighteen (18) years of age to align with the legal definition of minority in Wyoming;

(iii) Create separate and cumulative criminal liability for child endangerment by impaired driving, in addition to the underlying DUI offense;

(iv) Ensure that penalties adequately reflect the serious nature of placing children at risk of death or serious bodily injury through impaired driving;

(v) Strengthen deterrence against driving under the influence with children in the vehicle through certain and substantial consequences;

(vi) Require mandatory substance abuse treatment to address the underlying addiction that endangers children and reduce recidivism;

(vii) Mandate automatic notification to the Wyoming Department of Family Services when children are endangered by impaired drivers to ensure child welfare investigations are conducted;

(viii) Promote child safety on Wyoming's roadways and move the state from its current position as one of the worst states for drunk driving to a national model for evidence-based child protection legislation; and

(ix) Save children's lives through effective, research-supported legislation.

SECTION 2. **AMENDMENTS TO WYOMING STATUTE 31-5-233**

Wyoming Statute 31-5-233 is amended by REPEALING AND REENACTING subsection (m), and by CREATING NEW subsections (n), (o), (p), (q), (r), and (s) to read:

****W.S. 31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.****

[Subsections (a) through (l) remain unchanged]

**** (m) Child endangerment by impaired driving; enhanced penalties; definitions. ****

(i) Definitions. As used in this subsection and subsections (n) through (s) of this section:

> **(A)** "Child passenger" means any person under eighteen (18) years of age who is present in or on a motor vehicle as a passenger, driver, or otherwise at the time of commission of a violation of subsection (b) or (c) of this section;

> **(B)** "Serious bodily injury to a child" means bodily injury to a child passenger that creates a substantial risk of death, causes serious permanent or protracted disfigurement, causes protracted loss or impairment of the function of any bodily member or organ, causes a bone fracture, or causes unconsciousness for more than brief periods;

> **(C)** "Prior conviction" includes any conviction under this subsection, subsection (n) of this section, or any substantially similar law of another state, territory, tribal jurisdiction, or the

United States, and shall be counted if the conviction occurred within ten (10) years of the commission of the current offense, exclusive of time during which the person was incarcerated;

> **(D)** "Parent, guardian, or custodian" includes any person having legal or physical custody of a child, any person standing in loco parentis to a child, or any person exercising supervision or control over a child.

(ii) Criminal offense established. Any person eighteen (18) years of age or older commits the offense of child endangerment by impaired driving when that person violates any provision of subsection (b) or (c) of this section while one (1) or more child passengers are present in or on the vehicle.

(iii) First conviction—Mandatory enhanced penalties. Any person convicted under paragraph (ii) of this subsection for a first offense shall be punished as follows, IN ADDITION TO and SEPARATE FROM any penalties imposed for the underlying violation of subsection (b) or (c) of this section:

> **(A)** Mandatory minimum imprisonment of thirty (30) consecutive days in the county jail, which sentence shall not be suspended, deferred, or withheld, and which shall not be subject to probation, work release, or any form of early release except as specifically provided in subparagraph (B) of this paragraph;

> **(B)** Notwithstanding subparagraph (A) of this paragraph, the court may, in its discretion and upon motion by the defendant showing extraordinary and compelling circumstances, allow up to fifteen (15) days of the mandatory minimum thirty-day sentence to be served through:

>> **(I)** Intensive supervision probation with electronic monitoring requiring real-time location verification and alcohol monitoring; OR

>> **(II)** Participation in a certified residential substance abuse treatment program approved by the Wyoming Department of Health, Division of Behavioral Health;

>> PROVIDED THAT such alternative service is appropriate only if the defendant:

>> **(III)** Has no prior criminal history involving violence, child abuse, or neglect;

>> **(IV)** Has no prior DUI convictions of any kind;

>> **(V)** Had a blood alcohol concentration below 0.15% at the time of the offense; AND

>> **(VI)** Poses no risk to public safety or child welfare as determined by the court based on a pre-sentence investigation and risk assessment.

- > **(C)** Mandatory minimum fine of one thousand dollars (\$1,000.00), which shall not be suspended or waived, in addition to any other fines imposed under this section;
- > **(D)** Completion of a certified parenting and substance abuse education program specifically addressing the dangers of impaired driving with children, approved by the Wyoming Department of Health;
- > **(E)** Mandatory installation and maintenance of an approved ignition interlock device in accordance with W.S. 31-7-401 through 31-7-404 for a minimum period of twelve (12) months following driver's license reinstatement, regardless of blood alcohol concentration, which requirement may not be waived or suspended;
- > **(F)** Mandatory substance abuse assessment conducted by a substance abuse provider certified by the Wyoming Department of Health pursuant to W.S. 9-2-2701(c) within thirty (30) days of conviction;
- > **(G)** Completion of any substance abuse treatment recommended by the certified provider conducting the assessment required under subparagraph (F) of this paragraph, at the defendant's expense, which treatment shall be completed within the timeframe established by the court;
- > **(H)** Prohibition from operating any motor vehicle with any person under eighteen (18) years of age as a passenger for a period of not less than six (6) months following release from incarceration, unless:
 - >> **(I)** The minor passenger is the defendant's own child and the defendant maintains sole custody and care of such child; OR
 - >> **(II)** The court specifically authorizes such transport upon finding that the defendant has completed substance abuse treatment, maintained continuous sobriety as verified by testing, and poses no danger to child passengers.
- > **(I)** The court may impose any additional penalties authorized under this section or other provisions of law.

(iv) Second or subsequent conviction within ten years—Enhanced mandatory penalties. Any person convicted under paragraph (ii) of this subsection who has one (1) or more prior convictions as defined in paragraph (i)(C) of this subsection shall be punished as follows, IN ADDITION TO and SEPARATE FROM any penalties imposed for the underlying DUI violation:

- > **(A)** Mandatory minimum imprisonment of ninety (90) consecutive days in the county jail, which sentence shall not be suspended, deferred, or withheld, and shall not be subject to probation, work release, or any form of early release;
- > **(B)** Mandatory minimum fine of two thousand five hundred dollars (\$2,500.00), which shall not be suspended or waived;
- > **(C)** Mandatory installation and maintenance of an approved ignition interlock device for a minimum period of twenty-four (24) months following driver's license reinstatement;
- > **(D)** Mandatory inpatient substance abuse treatment at a licensed residential treatment facility for a minimum of thirty (30) days, or if the court finds based on clinical assessment that inpatient treatment is not medically appropriate, intensive outpatient treatment consisting of not less than twelve (12) hours per week for a minimum of twelve (12) weeks, all at the defendant's expense;
- > **(E)** Revocation of driver's license pursuant to W.S. 31-7-128 for a minimum period of two (2) years;
- > **(F)** Prohibition from operating any motor vehicle with any person under eighteen (18) years of age as a passenger for a period of not less than two (2) years, subject to the exceptions in paragraph (iii)(H) of this subsection;
- > **(G)** The court shall impose imprisonment for not less than ninety (90) days nor more than five (5) years.

(v) Enhanced penalties based on number of child passengers. If two (2) or more child passengers were present in or on the vehicle at the time of the violation:

- > **(A)** For two (2) child passengers, the mandatory minimum imprisonment imposed under paragraph (iii) or (iv) of this subsection shall be increased by fifteen (15) days and the mandatory minimum fine shall be increased by five hundred dollars (\$500.00);
- > **(B)** For three (3) or more child passengers, the mandatory minimum imprisonment imposed under paragraph (iii) or (iv) of this subsection shall be increased by thirty (30) days and the mandatory minimum fine shall be increased by one thousand dollars (\$1,000.00).

(vi) Enhanced penalties based on age of youngest child passenger. If any child passenger present in or on the vehicle was:

- > **(A)** Under eight (8) years of age, the mandatory minimum imprisonment imposed under paragraph (iii) or (iv) of this subsection shall be increased by fifteen (15) days and the mandatory minimum fine shall be increased by five hundred dollars (\$500.00);

> **(B)** Under four (4) years of age, the mandatory minimum imprisonment imposed under paragraph (iii) or (iv) of this subsection shall be increased by thirty (30) days and the mandatory minimum fine shall be increased by one thousand dollars (\$1,000.00);

> **(C)** These enhancements are in addition to any enhancements imposed under paragraph (v) of this subsection and shall be cumulative.

(vii) Separate and cumulative nature of penalties. The penalties imposed under this subsection are separate from and in addition to any penalties imposed for the underlying DUI offense under subsections (a) through (l) of this section. The court shall not reduce, suspend, or modify the penalties imposed for the underlying DUI offense to account for any penalties imposed under this subsection.

(viii) Irrelevance of relationship to child. For purposes of establishing the offense and determining penalties under this subsection, it is immaterial whether the child passenger is related by blood or marriage to the defendant, is known to the defendant, or is a stranger to the defendant.

(ix) Mandatory notification to child protective services. Within seven (7) business days of conviction under this subsection, the prosecuting attorney shall notify the Wyoming Department of Family Services in writing of:

> **(A)** The conviction and the facts underlying the conviction;

> **(B)** The identity of all child passengers who were endangered;

> **(C)** The relationship, if any, between the defendant and each child passenger;

> **(D)** Whether the defendant is the parent, guardian, or custodian of any child passenger or any other minor child; and

> **(E)** Any other information relevant to child safety and welfare.

(x) Upon receipt of notification under paragraph (ix) of this subsection, the Wyoming Department of Family Services shall conduct an investigation in accordance with W.S. 14-3-201 et seq. to determine whether protective services or intervention is warranted for any child endangered by the defendant's conduct.

(xi) Admissibility in family law proceedings. A conviction under this subsection:

- > **(A)** May be admitted as evidence of unfitness, neglect, or child endangerment in any proceeding concerning custody, visitation, parental rights, guardianship, adoption, or child welfare involving the child passenger or any other minor child of the defendant;
 - > **(B)** Shall constitute prima facie evidence that the defendant poses a risk to child welfare when caring for children; and
 - > **(C)** May be considered by courts in determining appropriate restrictions, supervision, or modifications to parental rights or custodial arrangements.
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**** (n) Aggravated child endangerment by impaired driving—Serious bodily injury or death.****

(i) Serious bodily injury to child passenger—Felony.

> **(A)** Any person who violates subsection (b) or (c) of this section while having a child passenger in or on the vehicle, and such violation results in serious bodily injury to a child passenger, shall be guilty of a felony punishable by:

>> **(I)** Imprisonment for not less than two (2) years nor more than twelve (12) years;

>> **(II)** A fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00);

>> **(III)** Revocation of driver's license for not less than three (3) years pursuant to W.S. 31-7-128;

>> **(IV)** Mandatory installation of an approved ignition interlock device for life, with eligibility to petition the court for removal after five (5) consecutive years of maintaining a clean driving record and continuous sobriety as verified by testing;

>> **(V)** Mandatory completion of inpatient substance abuse treatment at a licensed residential facility, at the defendant's expense, for such duration as the court deems necessary but not less than sixty (60) days.

> **(B)** This paragraph does not preclude prosecution under W.S. 6-2-106 (homicide by vehicle), W.S. 35-7-1031 (aggravated assault and battery), or any other applicable statute, and penalties under this paragraph may be imposed in addition to or consecutively with penalties under any other statute.

(ii) Death of child passenger—Felony.

> **(A)** Any person who violates subsection (b) or (c) of this section while having a child passenger in or on the vehicle, and such violation results in the death of a child passenger, shall be guilty of a felony punishable by:

>> **(I)** Imprisonment for not less than five (5) years nor more than twenty (20) years;

>> **(II)** A fine of not less than ten thousand dollars (\$10,000.00) nor more than twenty-five thousand dollars (\$25,000.00);

>> **(III)** Revocation of driver's license for life, with eligibility to petition for a restricted license after ten (10) consecutive years of maintaining a clean driving record and continuous sobriety as verified by testing;

>> **(IV)** If driving privileges are ever restored in any form, mandatory installation of an approved ignition interlock device for life without possibility of removal;

>> **(V)** Mandatory completion of inpatient substance abuse treatment at a licensed residential facility, at the defendant's expense, for such duration as the court deems necessary but not less than ninety (90) days.

> **(B)** This paragraph does not preclude prosecution under W.S. 6-2-106 (homicide by vehicle), W.S. 6-1-104 (manslaughter), or any other applicable statute, and penalties under this paragraph may be imposed in addition to or consecutively with penalties under any other statute.

(iii) Multiple victims. If serious bodily injury or death occurs to more than one (1) child passenger, each injury or death shall constitute a separate violation of this subsection, and sentences may be imposed consecutively.

**** (o) Conditions of probation and sentencing. ****

(i) In addition to any penalties imposed under subsections (m) and (n) of this section, the court may impose the following conditions of probation or supervised release:

> **(A)** Prohibition from operating any motor vehicle whatsoever with any minor passenger under eighteen (18) years of age for any period the court deems appropriate;

- > **(B)** Requirement that all visitation with the endangered child passenger or any other minor children be supervised by a person approved by the court or the Wyoming Department of Family Services;
- > **(C)** Mandatory participation in victim impact panels focused on the effects of impaired driving on children and families;
- > **(D)** Performance of community service specifically related to child safety education, DUI prevention, or victim services;
- > **(E)** Submission to random alcohol and drug testing at the defendant's expense for such period as the court deems appropriate;
- > **(F)** Participation in parenting classes addressing child safety and responsible parenting;
- > **(G)** Prohibition from consuming alcohol or controlled substances;
- > **(H)** Prohibition from entering establishments where alcohol is the primary commodity sold;
- > **(I)** Any other conditions reasonably calculated to protect children, prevent recidivism, and promote rehabilitation.

(ii) Violation of any condition imposed under this subsection shall constitute a basis for revocation of probation and imposition of any sentence authorized by law, including the maximum sentence permitted for the underlying offense.

**** (p) Ignition interlock device requirements and violations. ****

(i) Any person convicted under subsection (m) or (n) of this section shall be required to install an approved ignition interlock device, at the person's expense, in all motor vehicles owned, leased, or regularly operated by that person.

(ii) The ignition interlock device shall be calibrated to prevent the vehicle from being operated if the device detects a blood alcohol concentration of 0.02% or greater.

(iii) The person shall:

> (A) Bear all costs of installation, monthly monitoring, maintenance, calibration, and removal of the device;

> (B) Submit to monthly monitoring reports to the court and the Wyoming Department of Transportation;

> (C) Not tamper with, circumvent, disable, or attempt to defeat the device in any manner.

(iv) Operating a motor vehicle without a required ignition interlock device, tampering with an installed device, requesting or allowing another person to blow into the device to start the vehicle, or otherwise circumventing the device shall constitute a separate criminal offense punishable by:

> (A) Imprisonment for up to one (1) year;

> (B) A fine of up to five thousand dollars (\$5,000.00);

> (C) Revocation of any restricted driving privileges; and

> (D) Extension of the ignition interlock requirement for an additional two (2) years.

(v) The Wyoming Department of Transportation shall adopt rules and regulations implementing this subsection, including:

> (A) Standards for approved ignition interlock devices;

> (B) Certification requirements for installation and monitoring service providers;

> (C) Reporting requirements for violations and tampering;

> (D) Indigency provisions for persons unable to afford device costs.

**** (q) Mandatory arrest reporting and child welfare notification. ****

(i) Any law enforcement officer who arrests a person for a violation of subsection (b) or (c) of this section and who has probable cause to believe that one (1) or more child passengers were present in or on the vehicle at the time of the violation shall:

> **(A)** Document in the arrest report the presence, number, ages, names (if known), and condition of all child passengers;

> **(B)** Ensure that appropriate emergency care is provided for any injured child passenger;

> **(C)** Ensure that all child passengers are released to the care of a responsible adult, and document the identity of the person to whom each child was released;

> **(D)** Notify the Wyoming Department of Family Services within twenty-four (24) hours of the arrest if the arrested person is the parent, guardian, custodian, or caregiver of any child passenger, providing:

>> **(I)** The circumstances of the arrest;

>> **(II)** The identity and condition of all child passengers;

>> **(III)** To whom the children were released; and

>> **(IV)** Any other information relevant to child safety.

(ii) The prosecuting attorney shall notify the court and the Wyoming Department of Family Services in writing within seven (7) business days of:

> **(A)** The filing of any charge under subsection (m) or (n) of this section;

> **(B)** Any conviction under subsection (m) or (n) of this section;

> **(C)** The final disposition of any case involving child passenger endangerment, including dismissals, acquittals, or plea agreements.

(iii) Notification to the Wyoming Department of Family Services under this subsection does not preclude or limit the Department's independent authority to investigate, intervene, or take protective action under Wyoming's child welfare statutes.

**** (r) Separate and distinct offense; charging and sentencing. ****

(i) A violation of subsection (m) or (n) of this section constitutes a separate and distinct criminal offense from the underlying DUI violation under subsection (b) or (c) of this section.

(ii) A person may be charged with, prosecuted for, and convicted of both:

> **(A)** A violation of subsection (b) or (c) of this section (the underlying DUI offense); AND

> **(B)** A violation of subsection (m) or (n) of this section (child endangerment).

(iii) The charges may be brought separately, concurrently, or consecutively at the discretion of the prosecuting attorney.

(iv) Convictions and sentences for violations of subsection (m) or (n) may run consecutively to convictions and sentences for violations of subsection (b) or (c), and the court is encouraged to impose consecutive sentences to reflect the serious and separate nature of child endangerment.

(v) Conviction and sentencing for both the underlying DUI offense and the child endangerment offense does not constitute double jeopardy, as each offense contains elements that the other does not.

**** (s) Limitations on plea bargaining and charge reduction. ****

(i) No charge filed under subsection (m) or (n) of this section may be dismissed, reduced to a lesser offense, or resolved through a plea agreement that eliminates the child endangerment component UNLESS:

> **(A)** The prosecuting attorney files a written certification with the court, under oath, stating that:

>> **(I)** After thorough investigation, the evidence is insufficient to prove beyond a reasonable doubt that a child passenger was present in or on the vehicle at the time of the violation; OR

>> **(II)** New evidence has come to light that definitively establishes the child passenger's age was eighteen (18) years or older at the time of the violation; AND

> **(B)** The court conducts an on-the-record hearing at which the prosecuting attorney explains the basis for the certification and the court makes specific findings supporting the dismissal or reduction.

(ii) In extraordinary circumstances, a charge under subsection (m) or (n) may be reduced or dismissed if:

- > **(A)** The child passenger or, if the child is a minor, the child passenger's parent or legal guardian who was not involved in the offense, submits a written statement to the court specifically requesting reduction or dismissal and explaining the reasons therefor; AND
 - > **(B)** The court conducts an on-the-record hearing and makes specific written findings that:
 - >> **(I)** Extraordinary and compelling circumstances exist that warrant departure from the normal prohibition on charge reduction;
 - >> **(II)** The interests of justice and child welfare are better served by charge reduction than by prosecution of the charge as filed;
 - >> **(III)** The defendant has accepted full responsibility for endangering the child;
 - >> **(IV)** Appropriate protections are in place to ensure the safety of the child and any other children under the defendant's care; AND
 - >> **(V)** The child passenger or the child's representative understands the implications of the request and makes it voluntarily and without coercion.
 - (iii)** Any plea agreement resolving a charge under subsection (m) or (n) that includes a reduction of the charge or dismissal of any mandatory minimum penalty must be approved by the court after an on-the-record hearing, and the court shall not approve such agreement unless the requirements of paragraph (i) or (ii) of this subsection are satisfied.
 - (iv)** This subsection does not limit the prosecuting attorney's discretion to decline to file charges in the first instance when such discretion is exercised in good faith based on evidentiary insufficiency.
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SECTION 3. **CONFORMING AMENDMENTS TO DRIVER'S LICENSE REVOCATION**

Wyoming Statute 31-7-128 is amended by ADDING a new subsection (u) to read:

****31-7-128(u). Enhanced license revocation for child endangerment by impaired driving.****

(i) In addition to any other license revocation or suspension authorized by law, the Wyoming Department of Transportation shall revoke the driver's license of any person convicted under W.S. 31-5-233(m) or (n) for the minimum periods specified in those subsections.

(ii) During any period of revocation imposed under W.S. 31-5-233(m) or (n):

> (A) No restricted, probationary, conditional, hardship, or occupational license shall be issued except as specifically authorized by the sentencing court pursuant to W.S. 31-5-233(m) or (n);

> (B) Any restricted license that is authorized shall include, at a minimum, a mandatory ignition interlock device requirement for all vehicles operated by the person.

(iii) Violation of the terms of any restricted license issued under this subsection shall result in immediate revocation of the restricted license and reinstatement of the full period of revocation originally imposed.

SECTION 4. **CHILD PASSENGER PROTECTION FUND**

(a) **Creation of fund.** There is hereby created a special revenue account to be known as the "Child Passenger Protection Fund," which shall be administered by the Wyoming Department of Health.

(b) **Sources of funding.** The Child Passenger Protection Fund shall consist of:

> (i) All mandatory minimum fines collected under W.S. 31-5-233(m) and (n) that exceed the fines imposed for the underlying DUI offense under W.S. 31-5-233(a) through (l);

> (ii) Any additional fines or court costs specifically designated for deposit into the fund;

> (iii) Fees collected from ignition interlock device service providers;

> (iv) Legislative appropriations;

> (v) Federal grants or funds related to impaired driving prevention or child safety;

> (vi) Donations, gifts, or bequests made for the purposes of the fund.

(c) Authorized uses. Monies in the Child Passenger Protection Fund shall be appropriated by the Legislature for the following purposes only:

- > **(i)** Substance abuse assessment, treatment, and recovery support services specifically designed for parents, guardians, and caregivers, with priority given to indigent defendants;
- > **(ii)** Development and implementation of evidence-based child safety education programs focused on the dangers of impaired driving;
- > **(iii)** Support services for children who have been traumatized by involvement in impaired driving incidents, including but not limited to counseling, therapy, and crisis intervention;
- > **(iv)** Public awareness campaigns regarding the dangers of driving under the influence with child passengers and the criminal penalties for such conduct;
- > **(v)** Training programs for law enforcement officers, prosecutors, judges, and child protective services workers on identification, investigation, prosecution, and response to child endangerment by impaired driving;
- > **(vi)** Subsidies for ignition interlock device costs for indigent offenders to ensure that financial inability does not prevent compliance with court-ordered interlock requirements;
- > **(vii)** Research and evaluation of the effectiveness of enhanced penalties and treatment requirements in reducing recidivism and protecting children;
- > **(viii)** Victim advocacy services for families affected by child endangerment DUI offenses.

(d) Administration. The Wyoming Department of Health shall:

- > **(i)** Adopt rules and regulations governing the administration and expenditure of monies from the Child Passenger Protection Fund;
- > **(ii)** Establish criteria and procedures for awarding grants or contracts funded by the Child Passenger Protection Fund;
- > **(iii)** Submit an annual report to the Governor and the Legislature detailing revenues, expenditures, programs funded, and outcomes achieved;
- > **(iv)** Coordinate with the Wyoming Department of Transportation, the Wyoming Department of Family Services, and other relevant agencies to ensure effective use of fund resources.

(e) Continuing appropriation. Monies in the Child Passenger Protection Fund are continuously appropriated to the Wyoming Department of Health for the purposes specified in subsection (c) of this section and shall not revert to the general fund.

SECTION 5. **RULES AND REGULATIONS**

(a) The Wyoming Department of Health shall promulgate rules and regulations necessary to implement this Act, including but not limited to:

- > **(i)** Standards for certification of substance abuse assessment providers;
- > **(ii)** Standards for approval of parenting and substance abuse education programs;
- > **(iii)** Standards for approval of residential treatment facilities;
- > **(iv)** Procedures for administration of the Child Passenger Protection Fund;
- > **(v)** Coordination protocols between law enforcement, prosecutors, courts, and child protective services regarding notifications and information sharing.

(b) The Wyoming Department of Transportation shall promulgate rules and regulations necessary to implement ignition interlock device requirements under this Act, including:

- > **(i)** Standards for device approval and certification;
- > **(ii)** Requirements for installation and monitoring service providers;
- > **(iii)** Reporting requirements for device violations;
- > **(iv)** Indigency provisions and fee waivers.

(c) The Wyoming Department of Family Services shall promulgate rules and regulations establishing protocols for receiving, investigating, and responding to notifications of child endangerment by impaired driving.

(d) All rules and regulations required by this section shall be promulgated within nine (9) months of the effective date of this Act and shall be consistent with the purposes and provisions of this Act.

SECTION 6. **SEVERABILITY**

If any provision of this Act, or the application of any provision to any person or circumstance, is held to be invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 7. **EFFECTIVE DATE**

This Act shall take effect on July 1, 2027, and shall apply to all offenses committed on or after that date. No provision of this Act shall be construed to apply retroactively to offenses committed prior to July 1, 2027.

SECTION 8. **EMERGENCY CLAUSE**

[OPTIONAL - Include only if sponsor determines emergency passage is warranted]

Whereas, Wyoming's crisis level of DUI fatalities and the ongoing endangerment of children by impaired drivers constitutes a public emergency requiring immediate legislative action; and

Whereas, the lives of Wyoming's children are at immediate and continuing risk from impaired drivers; and

Whereas, the people of Wyoming and the Legislature have declared child protection to be a matter of the highest public policy priority;

Now, therefore, the Legislature finds that an emergency exists and this Act is immediately necessary for the preservation of the public peace, health, and safety, and it shall take effect immediately upon passage and approval.

EXPLANATORY NOTE

SUMMARY OF CHANGES TO CURRENT LAW:

Current Law (W.S. 31-5-233(m))	Proposed Act
Child = under 16	Child = under 18
First offense: UP TO 1 year jail (discretionary)	First offense: 30 days jail MANDATORY MINIMUM
First offense: UP TO \$750 fine (discretionary)	First offense: \$1,000 fine MANDATORY MINIMUM
No mandatory ignition interlock	12-month ignition interlock MANDATORY
No mandatory treatment	Treatment assessment and compliance MANDATORY
No mandatory CPS notification	Automatic CPS notification MANDATORY
Not admissible in custody cases	Explicitly admissible in custody cases
No enhancements for multiple/young children	Enhancements for 2+ children or very young children
Second offense: UP TO 5 years (discretionary)	Second offense: 90 days to 5 years with mandatory minimums
No serious injury provision	Serious injury: 2-12 years (felony)
No death provision	Death: 5-20 years (felony)
Plea bargaining unrestricted	Strict limitations on plea bargaining
No dedicated funding mechanism	Child Passenger Protection Fund established

FISCAL IMPACT ESTIMATE:

Costs:

- Incarceration (county jails): \$60,000-\$90,000 annually
- Court processing: \$15,000-\$25,000 annually
- CPS investigations: \$10,000-\$15,000 annually
- Treatment coordination: \$15,000-\$20,000 annually

- TOTAL GROSS COST: \$100,000-\$150,000 annually

Revenue Offsets:

- Mandatory fines: \$65,000-\$97,500 annually
- Interlock fees to state: \$5,000-\$8,000 annually
- License reinstatement fees: \$3,000-\$5,000 annually

- TOTAL REVENUE: \$73,000-\$110,500 annually

NET FISCAL IMPACT: \$27,000-\$77,000 annually (after revenue offsets)

Additional savings from crash prevention: \$555,000-\$1,110,000 annually (estimated)

This Act is based on:

- Tennessee Code Annotated § 55-10-403 (Child endangerment DUI)
- Research from CDC, NHTSA, MADD, and peer-reviewed journals
- Consultation with Wyoming Legislative Service Office
- Analysis of Wyoming's current DUI statutory framework

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END OF BILL