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**Testimony in Support of HB1394
Criminal Law – Homicide by Motor Vehicle or Vessel- Restitution to Child
(Bentley’s Law)**

HB1394 requires a person to pay restitution to a child if, when operating a boat or a vehicle while impaired or under the influence their actions causes the death of a child’s parent or guardian. The purpose of HB 1394 is to establish accountability in the form of child support by implementing requirements and procedures for the calculation and payment to the child in restitution.

More than a dozen other states have introduced “Bentley’s Law” or are drafting this legislation. Tennessee was the first state to pass “Bentley’s Law” in April 2022; it was amended and renamed “Ethan, Hailey’s and Bentley’s Law” to add the names of Tennessee Officer Nicholas Galinger’s children. The amended bill was signed into law on May 25, 2022, with a resounding unanimous vote. “Melanie’s Law” was signed in to law in Kentucky on April 4, 2023. This legislation is similar to Bentley’s Law but expands the restitution requirement to include children whose parents or guardians were severely and permanently injured in an impaired driving crash. Texas bill HB 393 was signed into law on June 2, 2023, with a unanimous vote in their House of Representatives. Maine bill LD 1512 was signed into law on June 23, 2023. Utah bill HB218 was signed into law March 18, 2024. South Dakota bill HB1195 was signed into law March 18, 2024.

There is currently a push to get “Bentley’s Law” passed in Missouri. MADD supports this legislation and similar laws holding drunk and impaired drivers accountable for their actions. Their website provides a portal for supporters to send a message to their respective legislators for each state. MADD’s position is a clear statement of accountability and reinforcement when making the choice to drive drunk or impaired.

Far too often these offenders move on, but the families of victims and the survivors of these tragedies are reminded every day of their loss. HB1394 is meant to both provide a sense of justice to the victims' families while making sure offenders are reminded of the heartbreak they caused in the wake of their choice to drive impaired or under the influence.

Accountability and a perhaps a deterrence; that is HB1394's purpose. HB1394 cannot bring back a loved one, but it does provide some financial support, the guidelines for which are to be set by the Court. Factors the court will consider are (1) the financial needs and resources of the child(ren), (2) the financial needs or resources of the surviving parent or guardian, and (3) the standard of living to which the child is accustomed. HB1394 proposes to lessen the loss caused by the irresponsible and thoughtless actions of the offenders and uplift the survivors and their caregivers in a way that is commensurate to the circumstances.

The National Highway Traffic Safety Administration reports that every 39 minutes someone is killed by a drunk driver in the United States. The children bear the brunt of the loss with unimaginable grief, new caregiving situations, new living arrangements, emotional distress requiring therapeutic intervention, and upheaval in their education compounded by the financial instability suffered by the surviving family members, making it difficult to afford even the most basic of needs.

Let us send a clear message to those who choose to operate a vehicle or boat while impaired.

Please enter a favorable report for HB1394.

Thank you, Madame Chair and Fellow Committee Members.

Susan K. McComas