

Strengthening Wyoming's Vehicular Homicide Statute:

The Case for Expanding Felony Charges to Protect Pedestrians, Cyclists, and Families

THE CURRENT GAP IN WYOMING LAW

Wyoming's homicide-by-vehicle statute (W.S. § 6-2-106) creates two tiers of accountability:

Homicide by Vehicle (Negligent)	Aggravated Homicide by Vehicle (Reckless/DUI)
MISDEMEANOR — up to 1 year / \$2,000 fine	FELONY — up to 20 years

The problem: a driver who kills a pedestrian or cyclist through grossly dangerous behavior, texting at highway speed, running a red light while distracted, driving on a suspended license, may face only a misdemeanor if they were not legally impaired at the moment of impact. A \$2,000 fine and up to one year in jail is the maximum consequence for ending a human life.

This proposal asks the Legislature to consider whether the threshold for felony charges is drawn in the right place, and whether specific categories of grossly negligent behavior should trigger accountability proportionate to the harm caused.

THE LEGISLATIVE ASK

Proposed: Expand felony eligibility under W.S. § 6-2-106 to include:

1. Distracted driving (texting/phone use) that causes death
2. Driving on a suspended or revoked license that causes death
3. Fleeing law enforcement that results in a fatality
4. Repeat dangerous traffic offenders (prior reckless driving convictions) who cause death

This does not eliminate prosecutorial discretion — it expands the toolkit available to prosecutors and judges to match punishment to harm.

FOUR ARGUMENTS FOR REFORM

1. Moral Consistency in the Law

Wyoming already treats a DUI driver who kills someone as a felon. The law implicitly says that impaired driving that kills is categorically different from a traffic mistake. But a driver who kills a child in a crosswalk while reading a text message has made the same conscious choice to disregard human life. Wyoming's values demand consistency.

2. Incapacitation Protects Roads

Even where deterrence evidence is mixed, felony conviction removes high-risk drivers from Wyoming roads through extended incarceration and mandatory license revocation. Wyoming law already bars vehicular homicide felons from expungement — reinforcing that the legislature views these as fundamentally serious offenses.

3. Justice for Victim Families

A misdemeanor conviction for the death of a family member is experienced as a second injustice. Felony conviction unlocks mandatory restitution, stronger civil wrongful death claims, and in peer states, court-ordered financial support for minor children of victims. For outdoor recreation families — hikers, cyclists, pedestrians — killed on Wyoming roads, the current law offers little recognition that their lives had weight under the law.

4. Wyoming Trails Behind Mountain West Peers

Wyoming's own Legislative Service Office analyzed peer-state statutes in 2022. Colorado, Montana, and Nevada already treat a broader range of fatal driving behavior as felonies. Wyoming's outdoor recreation economy depends on people feeling safe walking, cycling, and recreating near roads. Alignment with peer states sends a clear signal that Wyoming takes that safety seriously.

PEER STATE COMPARISON

Source: Wyoming LSO Research Memo 22RM018 (2022) and state statutes

State	Negligent Driving (No DUI)	Reckless/DUI Driving
Wyoming	Misdemeanor — up to 1 yr / \$2,000	Felony — up to 20 years
Colorado	Felony — 2–6 years	Felony — 4–12 years (DUI)
Idaho	Misdemeanor/Felony (varies)	Felony
Nebraska	Misdemeanor — up to 1 yr	Felony — up to 50 years (DUI)
Montana	Felony (negligent homicide)	Felony
Nevada	Felony	Felony — up to life (DUI)

Note: Wyoming highlighted in gold. Colorado and Nevada provide felony charges for a significantly broader range of fatal driving conduct than current Wyoming law.

WHAT THIS MEANS FOR VICTIM FAMILIES

- Felony conviction enables mandatory court-ordered restitution payments to surviving family members
- Civil wrongful death claims proceed more favorably when criminal negligence has been established by felony conviction
- Peer states like Kentucky allow courts to order convicted defendants to support the minor children of victims — Wyoming could model similar provisions
- Families report that misdemeanor dispositions compound their grief; the law's response signals how much a life was worth

Testimony Notes

"Wyoming law already recognizes that reckless or impaired driving that kills someone is a felony. This proposal asks the Legislature to consider whether the line between criminal negligence and recklessness is drawn in the right place — and whether specific dangerous behaviors, such as distracted driving, driving on a suspended license, or prior dangerous-driving violations, should trigger the same level of accountability. This is not about filling our prisons. It's about ensuring Wyoming's law reflects Wyoming's values: that a human life has weight, and that those whose grossly dangerous choices end lives should face consequences proportionate to what was lost."

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This brief was prepared for the 2026 Wyoming Legislative Session. Data sources: W.S. § 6-2-106 (2025); Wyoming LSO Research Memo 22RM018 (2022); Hansen (2015), American Economic Review; Basili & Belloc (2021), Research in Transportation Economics.