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Involuntary Manslaughter Penalties and Sentencing

Causing another person's death through reckless behavior, or in the commission of another crime but without intent to kill, carries a lighter sentence than most other forms of homicide. Sentencing guidelines for involuntary manslaughter differ quite a bit among the various state judicial systems, however. Involuntary manslaughter at both the federal and state level is treated as a felony and usually carries a jail or prison sentence of at least 12 months, plus fines and probation.

The base sentence for involuntary manslaughter under federal sentencing guidelines is a 10 to 16 month prison sentence, which increases if it was committed through an act of reckless conduct. The minimum sentence for involuntary manslaughter committed with an automobile is higher still, although judges may use a certain amount discretion.

While states often take their cues from the federal courts when drafting their own sentencing guidelines, states vary widely on this issue. States will generally give a range of possible sentences and allow judges discretion in determining what sentence to actually impose. In making their determination, judges look at aggravating and mitigating factors to decide how harsh of a sentence to hand down. Aggravating factors are those that increase the severity of the crime and include things such as the defendant's history of reckless behavior. Mitigating factors tend to decrease the sentence, and typically involve factors such as the defendant's acceptance of responsibility for the crime and lack of criminal history.

Two examples illustrate the difference in sentences among different jurisdictions. Former police officer Johannes Mehserle, who was found guilty of involuntary manslaughter after he accidentally drew his pistol instead of his stun gun and fatally shot an unarmed man, received a two-year California prison sentence in 2010. The state's sentencing guidelines mandated a two- to four-year sentence. Tommy Morgan, a member of the Navajo Nation residing in New Mexico, was sentenced to a 12-month prison term and three years' probation by a federal court in 2011 after he was found guilty of killing a man while operating a car under the influence of alcohol.

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