

House Bill 1062

By: Representatives Barnes of the 97<sup>th</sup>, Dodson of the 94<sup>th</sup>, Seay of the 93<sup>rd</sup>, Wix of the 33<sup>rd</sup> and Buckner of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to cruelty to children, so as to add a nonmerger provision for the offense of cruelty  
3 to children in the second degree; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to  
8 cruelty to children, is amended by striking subsection (e) of Code Section 16-5-70, relating  
9 to cruelty to children, and inserting in its place a new subsection (e) to read as follows:

10 "(e) A person convicted of the offense of cruelty to children in the second degree shall be  
11 punished as for a misdemeanor upon the first or second conviction. Upon conviction of a  
12 third or subsequent offense of cruelty to children in the second degree, the defendant shall  
13 be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than  
14 \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be  
15 sentenced to both fine and imprisonment. The offense of cruelty to children in the second  
16 degree shall not be merged with a forcible felony, battery, or family violence battery, nor  
17 shall such offense be merged into another violation of cruelty to children in the second  
18 degree, and each violation shall be considered a separate offense."

19 style="text-align:center">**SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.