

Senate Bill 427

By: Senators James of the 35th, Paul of the 40th, Walker of the 22nd, Starr of the 44th, Gillis of the 20th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to  
2 driving under the influence of alcohol, drugs, or other intoxicating substances, penalties,  
3 publication of notice of conviction for persons convicted for the second time, and  
4 endangering a child, so as to provide that the age limitation on prosecutions of endangering  
5 a child be increased to age 16; to provide for increased penalties; to provide for related  
6 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under  
11 the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of  
12 notice of conviction for persons convicted for the second time, and endangering a child, is  
13 amended by striking subsection (l) in its entirety and inserting in lieu thereof the following:  
14 "(l) A person who violates this Code section while transporting in a motor vehicle a child  
15 under the age of ~~14~~ 16 years is guilty of the separate offense of endangering a child by  
16 driving under the influence of alcohol or drugs. The offense of endangering a child by  
17 driving under the influence of alcohol or drugs shall not be merged with the offense of  
18 driving under the influence of alcohol or drugs for the purposes of prosecution and  
19 sentencing. An offender who is convicted of a violation of this subsection shall be ~~punished~~  
20 ~~in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the~~  
21 ~~offense of contributing to the delinquency, unruliness, or deprivation of a child~~ guilty of  
22 a high and aggravated misdemeanor and an offender who is convicted of violating this  
23 subsection for the second time or subsequently convicted of violating this subsection shall  
24 be guilty of a felony."

1 **SECTION 2.**

2 This Act shall be effective upon the first day of the month following its approval by the  
3 Governor or its becoming law without the approval of the Governor and shall apply to all  
4 crimes which occur after that effective date.

5 **SECTION 3.**

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