

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

AS PASSED SENATE

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 **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. as follows:~~

22 (1) A person who commits the offense of endangering a child by driving under the
23 influence of alcohol or drugs shall be guilty of a high and aggravated misdemeanor and
24 shall, upon conviction thereof, be punished by a fine of not less than \$1,000.00 and not
25 more than \$5,000.00, which fine shall not, except as provided in subsection (g) of this

1 Code section, be subject to suspension, stay, or probation and a term of imprisonment of
2 not less than 120 days of which the judge may probate a portion;

3 (2) A person who commits the offense of endangering a child by driving under the
4 influence of alcohol or drugs for the second time, or who is subsequently convicted of
5 violating this Code section shall be guilty of a felony and shall, upon conviction thereof,
6 be punished by imprisonment for not less than one nor more than five years; and

7 (3) Notwithstanding the provisions of paragraph (1) of this subsection, a person who
8 commits the offense of endangering a child by driving under the influence of alcohol or
9 drugs which results in serious bodily injury to the child shall be guilty of a felony and
10 shall, upon conviction thereof, be punished by imprisonment for not less than one nor
11 more than 15 years."

12 **SECTION 2.**

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

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.