

The House Committee on Judiciary offers the following substitute to SB 407:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to define criminal negligence; to change the definition of cruelty to children
3 in the second degree; to provide for the crime of endangerment of a child under the age of
4 16; to provide limitations of criminal liability; to provide for penalties; to provide that the
5 offense is in addition to other punishment; to provide for related matters; to provide for an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Title 16 of the Official Code of Georgia Annotated, relating to cruelty to children, is
9 amended in Code Section 16-2-1, relating to the definition of a crime, by designating the
10 existing Code section as subsection (a) and adding a new subsection (b) to read as follows:
11

12 "(b) Criminal negligence is an act or failure to act which demonstrates a willful, wanton,
13 or reckless disregard for the safety of others who might reasonably be expected to be
14 injured thereby."

SECTION 2.

15 Said title is further amended in Code Section 16-5-70, relating to cruelty to children, by
16 striking subsection (c) and inserting in lieu thereof the following:
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18 "(c) Any person commits the offense of cruelty to children in the second degree when:

19 (1) Such person, who is the primary aggressor, intentionally allows a child under the age
20 of 18 to witness the commission of a forcible felony, battery, or family violence battery;

21 ~~or~~

22 (2) Such person, who is the primary aggressor, having knowledge that a child under the
23 age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family
24 violence battery;or

