

House Bill 371

By: Representatives West of the 101<sup>st</sup>, Stallings of the 100<sup>th</sup>, Snow of the 2<sup>nd</sup>, Bridges of the 9<sup>th</sup> and Jenkins of the 110<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to serious traffic offenses, so as to change the definition of the offense of serious  
3 injury by vehicle; to change the provisions relating to the offense of attempting to flee or  
4 elude a police officer; to provide for increased penalties with respect to a person who, while  
5 fleeing or attempting to elude a pursuing police vehicle or officer, operates his or her vehicle  
6 in excess of 90 miles an hour, fails to comply with any traffic-control device or lane direction  
7 control signal, violates any provision of Code Section 40-6-42, 40-6-43, or 40-6-45 relating  
8 to driving to the left of the center of the road, fails to yield the right of way in violation of  
9 Code Section 40-6-70, violates the provisions of subsection (b) or (c) of Code Section  
10 40-6-47 relating to one-way roadways, or violates the provisions of subsection (a) of Code  
11 Section 40-6-163 relating to meeting or overtaking a school bus; to provide for related  
12 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
16 serious traffic offenses, is amended by striking in its entirety Code Section 40-6-394, relating  
17 to the offense of serious injury by vehicle, and inserting in lieu thereof a new Code Section  
18 40-6-394 to read as follows:

19 "40-6-394.

20 Whoever, without malice, shall cause bodily harm to another by depriving him or her of  
21 a member of his or her body, by rendering a member of his or her body useless, by  
22 seriously disfiguring his or her body or a member thereof, or by causing organic brain  
23 damage which renders the body or any member thereof useless through the violation of  
24 Code Section 40-6-390, ~~or 40-6-391~~, or subsection (a) of Code Section 40-6-395 shall be  
25 guilty of the crime of serious injury by vehicle. A person convicted under this Code

1 section shall be guilty of a felony and shall be punished by imprisonment for not less than  
2 one year nor more than 15 years."

3 **SECTION 2.**

4 Said article is further amended by striking in its entirety subparagraph (b)(5)(A) of Code  
5 Section 40-6-395, relating to the offense of fleeing or attempting to elude a police officer,  
6 and inserting in lieu thereof a new subparagraph (b)(5)(A) to read as follows:

7 "(5)(A) Any person violating the provisions of subsection (a) of this Code section  
8 who, while fleeing or attempting to elude a pursuing police vehicle or police officer,  
9 ~~in an attempt to escape arrest for a felony offense other than a violation of this~~  
10 ~~chapter,~~ operates his or her vehicle in excess of 30 miles an hour above the posted  
11 speed limit; operates his or her vehicle in excess of 90 miles an hour; fails to  
12 comply with any traffic-control device or lane direction control signal; violates any  
13 provision of Code Section 40-6-42, 40-6-43, or 40-6-45, relating to driving to the  
14 left of the center of the road; fails to yield the right of way in violation of Code  
15 Section 40-6-70; violates the provisions of subsection (b) or (c) of Code Section  
16 40-6-47, relating to one-way roadways; violates the provisions of subsection (a) of  
17 Code Section 40-6-163, relating to meeting or overtaking a school bus; strikes or  
18 collides with another vehicle or a pedestrian; ~~flee~~s in traffic conditions which place  
19 ~~the general public at risk of receiving serious injuries,~~ or leaves the state shall be  
20 guilty of a felony punishable by a fine of \$5,000.00 and imprisonment for not less  
21 than one year nor more than five years."

22 **SECTION 3.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law  
24 without such approval.

25 **SECTION 4.**

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