

Senate Bill 187

By: Senators Johnson of the 1st, Tanksley of the 32nd, Kemp of the 3rd, Hecht of the 34th and Hamrick of the 30th

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 amend Code Section 16-5-70, relating to cruelty to children, so as to
3 eliminate degrees of the offense of cruelty to children; to amend Code Section 16-12-1,
4 relating to contributing to the delinquency, unruliness, or deprivation of a minor, so as to
5 redefine the term "serious injury" to include sexual abuse of a minor under the age of 16
6 years; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
10 amended by striking Code Section 16-5-70, relating to cruelty to children, and inserting in
11 lieu thereof the following:

12 "16-5-70.

13 (a) A parent, guardian, or other person supervising the welfare of or having immediate
14 charge or custody of a child under the age of 18 commits the offense of cruelty to children
15 ~~in the first degree~~ when such person willfully deprives the child of necessary sustenance
16 to the extent that the child's health or well-being is jeopardized.

17 (b) Any person commits the offense of cruelty to children ~~in the first degree~~ when such
18 person maliciously causes a child under the age of 18 cruel or excessive physical or mental
19 pain.

20 (c) Any person commits the offense of cruelty to children ~~in the second degree~~ when:

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

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

1 (d) A person convicted of the offense of cruelty to children in the first degree as provided
 2 in this Code section shall be punished by imprisonment for not less than five nor more than
 3 20 years.

4 ~~(e) A person convicted of the offense of cruelty to children in the second degree shall be~~
 5 ~~punished as for a misdemeanor upon the first or second conviction. Upon conviction of a~~
 6 ~~third or subsequent offense of cruelty to children in the second degree, the defendant shall~~
 7 ~~be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than~~
 8 ~~\$5,000.00 or imprisonment for not less than one year nor more than three years or shall be~~
 9 ~~sentenced to both fine and imprisonment."~~

10 SECTION 2.

11 Said title is further amended by striking subsection (a) of Code Section 16-12-1, relating to
 12 contributing to the delinquency, unruliness, or deprivation of a minor, and inserting in lieu
 13 thereof the following:

14 "(a) As used in this Code section, the term:

15 (1) 'Delinquent act' means a delinquent act as defined in Code Section 15-11-2.

16 (2) 'Felony' means any act which constitutes a felony under the laws of this state, the
 17 laws of any other state of the United States, or the laws of the United States.

18 (3) 'Minor' means any individual who is under the age of 17 years or any individual
 19 under the age of 18 years who is alleged to be a deprived child as such is defined in Code
 20 Section 15-11-2, relating to juvenile proceedings.

21 (4) 'Serious injury' means an injury involving a broken bone, the loss of a member of the
 22 body, the loss of use of a member of the body, ~~or~~ the substantial disfigurement of the
 23 body or of a member of the body, ~~or~~ an injury which is life threatening, or any sexual
 24 abuse of a child under 16 years of age."

25 SECTION 3.

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