

_____ offers the following
 substitute to HB 453:

A BILL TO BE ENTITLED
 AN ACT

1 To amend Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
 2 relating to cruelty to children, so as to create the offense of child endangerment; to provide
 3 for penalties; to provide for statutory construction; to provide for related matters; to provide
 4 for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
 8 cruelty to children, is amended by adding at the end thereof a new Code Section 16-5-73 to
 9 read as follows:

10 "16-5-73.

11 (a) A person commits the offense of misdemeanor child endangerment when such person
 12 acts or fails to act in conscious disregard of a substantial and foreseeable risk that the act
 13 or omission endangers the health or safety of a child under the age of 16 years and when
 14 the act or omission constitutes a gross deviation from the standard of care which a
 15 reasonable person would exercise in the situation.

16 (b) A person commits the offense of felony child endangerment when such person acts or
 17 fails to act in conscious disregard of a substantial and foreseeable risk that the act or
 18 omission endangers the health or safety of a child under the age of 16 years and when the
 19 act or omission constitutes a gross deviation from the standard of care which a reasonable
 20 person would exercise in the situation and such child suffers a serious bodily injury or
 21 death as a result of such act or omission.

22 (c) Any person who violates subsection (a) of this Code section shall be guilty of a
 23 misdemeanor and shall, upon conviction thereof, be punished as provided in Code Section
 24 17-10-3. Any person who violates subsection (b) of this Code section shall be guilty of a
 25 felony and shall, upon conviction thereof, be punished by imprisonment for not less than
 26 one nor more than five years.

1 (d) Each violation of this Code section shall constitute a separate offense.

2 (e) This Code section shall not be construed to amend or repeal any of the following
3 provisions:

4 (1) Subsection (b) of Code Section 16-5-60, relating to reckless conduct;

5 (2) Code Section 16-5-70, relating to cruelty to children;

6 (3) Code Section 16-5-72, relating to reckless abandonment of a child;

7 (4) Code Section 16-5-80, relating to feticide;

8 (5) Code Section 16-12-1, relating to contributing to the delinquency, unruliness, or
9 deprivation of a minor;

10 (6) Subsection (1) of Code Section 40-6-391, relating to endangering a child by driving
11 under the influence of alcohol or drugs; or

12 (7) Subsection (1) of Code Section 52-7-12, relating to endangering a child by boating
13 under the influence of drugs or alcohol.

14 (f) Nothing in subsection (a) of this Code section shall be construed to mean a child is
15 endangered for the sole reason the child's parent or guardian, in good faith, selects and
16 depends upon spiritual means alone through prayer, in accordance with the tenets and
17 practice of a recognized church or religious denomination, for the treatment or cure of
18 disease or remedial care of such child."

19 **SECTION 2.**

20 This Act shall become effective on July 1, 2001.

21 **SECTION 3.**

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