

Senate Bill 186

By: Senators Hamrick of the 30th and Smith of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Abandoned Child Protection Act of 2003"; to amend Chapter 10 of Title 19 of
2 the Official Code of Georgia Annotated, relating to abandonment of spouse or child, so as
3 to revise the criminal penalty for abandonment of a dependent child to a felony; to provide
4 for an exception to such penalty for newborns left at a medical facility pursuant to Chapter
5 10A of Title 19; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Abandoned Child Protection Act of 2003."

10 **SECTION 2.**

11 Chapter 10 of Title 19 of the Official Code of Georgia Annotated, relating to abandonment
12 of spouse or child, is amended by striking subsection (b) of Code Section 19-10-1, relating
13 to abandonment of a dependent child, and inserting in lieu thereof the following:

14 "(b) If any father or mother willfully and voluntarily abandons his or her child, either
15 legitimate or born out of wedlock, leaving it in a dependent condition, except as provided
16 for in Chapter 10A of this title, known as the 'Safe Place for Newborns Act of 2002.' he or
17 she shall be guilty of a ~~misdemeanor~~ felony. Moreover, if any father or mother willfully
18 and voluntarily abandons his or her child, either legitimate or born out of wedlock, leaving
19 it in a dependent condition, and leaves this state or if any father or mother willfully and
20 voluntarily abandons his or her child, either legitimate or born out of wedlock, leaving it
21 in a dependent condition, after leaving this state, he or she shall be guilty of a felony
22 punishable by imprisonment for not less than one nor more than three years. The felony
23 shall be reducible to a misdemeanor. Any person, upon conviction of the third offense for
24 violating this Code section, shall be guilty of a felony and shall be imprisoned for not less
25 than one nor more than three years, which felony shall not be reducible to a misdemeanor.

1 The husband and wife shall be competent witnesses in such cases to testify for or against
2 the other."

3 **SECTION 3.**

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

6 **SECTION 4.**

7 All laws and parts of laws in conflict with this Act are repealed.