

House Bill 1135

By: Representative Bordeaux of the 125th

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 make it unlawful for persons to engage in certain
3 activities associated with manufacturing or possessing methamphetamine in the presence of
4 children; to provide for definitions; to provide for related matters; to provide for an effective
5 date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
9 cruelty to children, is amended by adding a new Code section to the end of the article to read
10 as follows:

11 "16-5-73.

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

13 (1) 'Chemical substance' means anhydrous ammonia as defined in Code Section
14 16-11-111, ephedrine, pseudoephedrine, or phenylpropanolamine, as those terms are
15 defined in Code Section 16-13-30.3, or any other chemical used in the manufacture of
16 methamphetamine.

17 (2) 'Child' means any individual who is under the age of 18 years.

18 (3) 'Intent to manufacture' means conduct that is demonstrated by the chemical
19 substance's usage, quantity, manner of storage, or proximity to other chemical substances
20 or equipment used to manufacture methamphetamine.

21 (4) 'Methamphetamine' means methamphetamine, amphetamine, or any mixture
22 containing either methamphetamine or amphetamine, as described in Code Section
23 16-13-26.

24 (5) 'Serious injury' means an injury involving a broken bone, the loss of a member of the
25 body, the loss of use of a member of the body, or the substantial disfigurement of the
26 body or of a member of the body or an injury which is life threatening.

1 (b)(1) Any person who knowingly causes or permits a child to be present where any
2 person is manufacturing or possessing methamphetamine or a chemical substance with
3 the intent to manufacture methamphetamine shall be guilty of a felony and, upon
4 conviction thereof, shall be punished by imprisonment for not less than two nor more
5 than 15 years.

6 (2) Any person who violates paragraph (1) of this subsection wherein a child receives
7 serious injury as a result of such violation shall be guilty of a felony and, upon conviction
8 thereof, shall be punished by imprisonment for not less than five nor more than 20 years."

9 **SECTION 2**

10 This Act shall become effective on July 1, 2004, and shall apply to all crimes which occur
11 on or after that date.

12 **SECTION 3.**

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