

The Senate Judiciary Committee offered the following substitute to HB 1229:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-5-70 of the Official Code of Georgia Annotated, relating to cruelty to children, so as to add a nonmerger provision for the offense of cruelty to children under certain circumstances; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1.

Code Section 16-5-70 of the Official Code of Georgia Annotated, relating to cruelty to children, is amended by inserting a new subsection (f) to read as follows:

"(f) The offense of cruelty to children in the second degree shall not be merged with a forcible felony, battery, or family violence battery, nor shall such offense be merged into another violation of cruelty to children in the second degree, and each violation shall be considered a separate offense."

PART II
SECTION 2.

Code Section 16-5-70 of the Official Code of Georgia Annotated, relating to cruelty to children, is amended by inserting a new subsection (f) to read as follows:

"(f) The offense of cruelty to children in the third degree shall not be merged with a forcible felony, battery, or family violence battery, nor shall such offense be merged into another violation of cruelty to children in the third degree, and each violation shall be considered a separate offense."

PART III
SECTION 3.

(a) Part I of this Act shall become effective and Part II shall be repealed on July 1, 2004, if Senate Bill 467 as enacted at the 2004 session of the General Assembly does not become law.

(b) Part II of this Act shall become effective and Part I shall be repealed on July 1, 2004, if Senate Bill 467 as enacted at the 2004 session of the General Assembly becomes law.

(c) Part III of this Act shall become effective on July 1, 2004.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.