

House Bill 933

By: Representatives Bordeaux of the 162nd and Loudermilk of the 14th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to change the penalties for a third violation of the crime of driving under the
3 influence within ten years; to provide for an effective date and applicability; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
8 amended in Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,
9 or other intoxicating substances, penalties, publication of notice of conviction for persons
10 convicted for second time, and endangering a child, by striking the introductory paragraph
11 and paragraph (3) of subsection (c) of said Code section and inserting in their places the
12 following:

13 "(c) Every person convicted of violating this Code section shall, upon a first or second
14 conviction thereof, be guilty of a misdemeanor and, upon a third or subsequent conviction
15 thereof, be guilty of a ~~high and aggravated misdemeanor~~ felony and shall be punished as
16 follows:"

17 "(3) For the third or subsequent conviction within a ~~five-year~~ ten-year period of time, as
18 measured from the dates of previous arrests for which convictions were obtained or pleas
19 of nolo contendere were accepted to the date of the current arrest for which a conviction
20 is obtained or a plea of nolo contendere is accepted:

21 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
22 not, except as provided in subsection (g) of this Code section, be subject to suspension,
23 stay, or probation;

24 (B) A mandatory period of imprisonment of not less than ~~120 days nor more than 12~~
25 months one year nor more than five years. The judge shall probate at least a portion of
26 such term of imprisonment, in accordance with subparagraph (F) of this paragraph,

