

Senate Bill 488

By: Senators Balfour of the 9th and Douglas of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to serious traffic offenses, so as to provide that the county or district department of
3 family and children services shall be notified in the event that a person is convicted of
4 operating a motor vehicle under the influence of drugs, alcohol, or other intoxicating
5 substances with a minor child in the vehicle; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
10 serious traffic offenses, is amended by striking subsection (l) of Code Section 40-6-391,
11 relating to driving under the influence of alcohol, drugs, or other intoxicating substances,
12 and inserting a new subsection (l) to read as follows:

13 "(l) A person who violates this Code section while transporting in a motor vehicle a child
14 under the age of 14 years is guilty of the separate offense of endangering a child by driving
15 under the influence of alcohol or drugs. The offense of endangering a child by driving
16 under the influence of alcohol or drugs shall not be merged with the offense of driving
17 under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An
18 offender who is convicted of a violation of this subsection shall be punished in accordance
19 with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of
20 contributing to the delinquency, unruliness, or deprivation of a child. Whenever a person
21 is convicted of a violation of this subsection, it shall be the responsibility of the clerk of
22 court to notify the county or district department of family and children services for the
23 county where the conviction occurred. Notification shall be made within 72 hours
24 following the conviction. The department of family and children services shall be notified
25 regarding the incident and arrest and provided all relevant information regarding the facts
26 and circumstances surrounding the incident. Copies of documentation relevant to the

1 incident, including the citation, incident report, investigative report, accident report, and
2 laboratory test results shall be made available to such department. Any documentation
3 which is confidential and not subject to public disclosure pursuant to Code Section
4 50-18-72 shall remain confidential and shall not be subject to public disclosure from the
5 department of family and children services."

6 **SECTION 2.**

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