

Senate Bill 529

By: Senators Grant of the 25th, Harp of the 29th, Meyer von Bremen of the 12th, Unterman of the 45th and Ramsey, Sr. of the 43rd

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the  
2 uniform rules of the road, so as to provide for an offense of homicide by vehicle in the first  
3 degree where a person has committed the offense of felony hit and run and the accident  
4 causes the death of the person; to provide that a person who fails to stop and render aid under  
5 certain circumstances has committed the offense of hit and run; to change provisions relating  
6 to feticide by vehicle; to amend Article 1 of Chapter 7 of Title 52 of the Official Code of  
7 Georgia Annotated, relating to general provisions pertaining to the registration, operation,  
8 and sale of watercraft, so as to provide for an offense of homicide by vessel in the first  
9 degree where a person has operated a vessel in such a manner as to cause a collision or  
10 accident which causes the death of a person and knowingly fails to stop and attempt to render  
11 assistance; to correct cross-references; to change certain penalties; to provide for related  
12 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules  
17 of the road, is amended by revising subsection (a) of Code Section 40-6-270, relating to hit  
18 and run and the duty of a driver to stop at or return to the scene of an accident, as follows:

19 "(a) The driver of any vehicle involved in an accident resulting in injury to or the death of  
20 any person or in damage to a vehicle which is driven or attended by any person shall  
21 immediately stop such vehicle at the scene of the accident or shall stop as close thereto as  
22 possible and forthwith return to the scene of the accident and shall:

23 (1) Give his or her name and address and the registration number of the vehicle he or she  
24 is driving;

25 (2) Upon request and if it is available, exhibit his or her operator's license to the person  
26 struck or the driver or occupant of or person attending any vehicle collided with; ~~and~~

1 (3) Render to any person injured in such accident reasonable assistance, including the  
 2 transporting, or the making of arrangements for the transporting, of such person to a  
 3 physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such  
 4 treatment is necessary or if such transporting is requested by the injured person; and  
 5 (4) Where a person injured in such accident is unconscious, appears deceased, or is  
 6 otherwise unable to communicate, make every reasonable effort to ensure that emergency  
 7 medical services and local law enforcement are contacted for the purpose of reporting the  
 8 accident and making a request for assistance.

9 The driver shall in every event remain at the scene of the accident until fulfilling the  
 10 requirements of this subsection. Every such stop shall be made without obstructing traffic  
 11 more than is necessary."

## 12 SECTION 2.

13 Said chapter is further amended by revising Code Section 40-6-393, relating to homicide by  
 14 vehicle, as follows:

15 "40-6-393.

16 (a) Any person who, without malice aforethought, causes the death of another person  
 17 through the violation of subsection (a) of Code Section 40-6-163, ~~or subsection (b) of Code~~  
 18 ~~Section 40-6-270 or Code Section 40-6-390 or 40-6-391,~~ or subsection (a) of Code Section  
 19 40-6-395 commits the offense of homicide by vehicle in the first degree and, upon  
 20 conviction thereof, shall be punished by imprisonment for not less than three years nor  
 21 more than 15 years.

22 (b) Any driver of a motor vehicle who, without malice aforethought, causes an accident  
 23 which causes the death of another person and leaves the scene of the accident in violation  
 24 of subsection (b) of Code Section 40-6-270 commits the offense of homicide by vehicle in  
 25 the first degree and, upon conviction thereof, shall be punished by imprisonment for not  
 26 less than three years nor more than 15 years.

27 ~~(b)(c)~~ (c) Any person who causes the death of another person, without an intention to do so,  
 28 by violating any provision of this title other than subsection (a) of Code Section 40-6-163,  
 29 ~~or subsection (b) of Code Section 40-6-270,~~ or Code Section 40-6-390 or 40-6-391, or  
 30 subsection (a) of Code Section 40-6-395 commits the offense of homicide by vehicle in the  
 31 second degree when such violation is the cause of said death and, upon conviction thereof,  
 32 shall be punished as provided in Code Section 17-10-3.

33 ~~(c)(d)~~ (d) Any person who, after being declared a habitual violator as determined under Code  
 34 Section 40-5-58 and while such person's license is in revocation, causes the death of  
 35 another person, without malice aforethought, by operation of a motor vehicle, commits the  
 36 offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be

1 punished by imprisonment for not less than five years nor more than 20 years, and  
 2 adjudication of guilt or imposition of such sentence for a person so convicted may be  
 3 suspended, probated, deferred, or withheld but only after such person shall have served at  
 4 least one year in the penitentiary."

### 5 SECTION 3.

6 Said chapter is further amended by revising Code Section 40-6-393.1, relating to feticide by  
 7 vehicle, as follows:

8 "40-6-393.1.

9 (a) For the purposes of this Code section, the term 'unborn child' means a member of the  
 10 species homo sapiens at any stage of development who is carried in the womb.

11 (b)(1) A person commits the offense of feticide by vehicle in the first degree if he or she  
 12 causes the death of an unborn child by any injury to the mother of such child ~~through the~~  
 13 ~~violation of Code Section 40-6-390 or 40-6-391,~~ which would be homicide by vehicle in  
 14 the first degree as provided in subsection (a), (b), or ~~(c)~~ (d) of Code Section 40-6-393 if  
 15 it resulted in the death of such mother.

16 (2) A person convicted of the offense of feticide by vehicle in the first degree shall be  
 17 punished by imprisonment for not less than ~~two~~ three years nor more than 15 years.

18 (c)(1) A person commits the offense of feticide by vehicle in the second degree if he or  
 19 she causes the death of an unborn child by any injury to the mother of such child by  
 20 violating any provision of this title other than Code Section 40-6-390 or 40-6-391, which  
 21 would be homicide by vehicle in the second degree as provided in subsection ~~(b)~~ (c) of  
 22 Code Section 40-6-393 if it resulted in the death of such mother.

23 (2) A person convicted of the offense of feticide by vehicle in the second degree shall  
 24 be punished as provided in Code Section 17-10-3."

### 25 SECTION 4.

26 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to  
 27 general provisions pertaining to the registration, operation, and sale of watercraft, is amended  
 28 by revising Code Section 52-7-12.2, relating to homicide by vessel, as follows:

29 "52-7-12.2.

30 (a) Any person who, without malice aforethought, causes the death of another person  
 31 through the violation of subsection (j) of Code Section 52-7-8.2, ~~or~~ Code Section 52-7-12  
 32 ~~or Code Section 52-7-12.1,~~ ~~or~~ subsection (b) of Code Section 52-7-13, ~~or subsection (a) of~~  
 33 ~~Code Section 52-7-14~~ or subsection (c) of Code Section 52-7-25 commits the offense of  
 34 homicide by vessel in the first degree. A person convicted under this subsection shall be

1 guilty of a felony and shall be punished by imprisonment for not less than ~~two~~ three years  
 2 nor more than 15 years.

3 (b) Any operator of a vessel who, without malice aforethought, causes a collision or  
 4 accident which causes the death of another person and leaves the scene of the collision or  
 5 accident in violation of subsection (a) of Code Section 52-7-14 commits the offense of  
 6 homicide by vessel in the first degree and, upon conviction thereof, shall be punished by  
 7 imprisonment for not less than three years nor more than 15 years.

8 ~~(b)~~(c) Any person who causes the death of another person, without an intention to do so,  
 9 by violating any provision of this title other than subsection (j) of Code Section 52-7-8.2,  
 10 ~~or~~ Code Section 52-7-12 or ~~Code Section 52-7-12.1,~~ ~~or~~ subsection (b) of Code Section  
 11 52-7-13, ~~or~~ subsection (a) of Code Section 52-7-14, ~~or~~ subsection (c) of Code Section  
 12 52-7-25 commits the offense of homicide by vessel in the second degree when such  
 13 violation is the cause of said death. A person convicted under this subsection shall be  
 14 guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3."

#### 15 SECTION 5.

16 Said article is further amended by revising Code Section 52-7-12.3, relating to feticide by  
 17 vessel, as follows:

18 "52-7-12.3.

19 (a) For the purposes of this Code section, the term 'unborn child' means a member of the  
 20 species homo sapiens at any stage of development who is carried in the womb.

21 (b)(1) A person commits the offense of feticide by vessel in the first degree if he or she  
 22 causes the death of an unborn child by any injury to the mother of such child through the  
 23 violation of subsection (j) of Code Section 52-7-8.2, ~~or~~ Code Section 52-7-12 or ~~Code~~  
 24 ~~Section 52-7-12.1,~~ ~~or~~ subsection (b) of Code Section 52-7-13, ~~or~~ subsection (a) of Code  
 25 Section 52-7-14, ~~or~~ subsection (c) of Code Section 52-7-25, which would be homicide  
 26 by vessel in the first degree as provided in subsection (a) or (b) of Code Section  
 27 52-7-12.2 if it resulted in the death of such mother.

28 (2) A person convicted of the offense of feticide by vessel in the first degree shall be  
 29 guilty of a felony and shall be punished by imprisonment for not less than ~~two~~ three years  
 30 nor more than 15 years.

31 (c)(1) A person commits the offense of feticide by vessel in the second degree if he or  
 32 she causes the death of an unborn child by any injury to the mother of such child by  
 33 violating any provision of this title other than subsection (j) of Code Section 52-7-8.2, ~~or~~  
 34 Code Section 52-7-12 or ~~Code Section 52-7-12.1,~~ ~~or~~ subsection (b) of Code Section  
 35 52-7-13, ~~or~~ subsection (a) of Code Section 52-7-14, ~~or~~ subsection (c) of Code Section

1 52-7-25, which would be homicide by vessel in the second degree as provided in  
2 subsection ~~(b)~~ (c) of Code Section 52-7-12.2 if it resulted in the death of such mother.  
3 (2) A person convicted of the offense of feticide by vessel in the second degree shall be  
4 guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3."

5 **SECTION 6.**

6 This Act shall become effective on July 1, 2008, and shall apply to all offenses committed  
7 on or after such date.

8 **SECTION 7.**

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