

Senate Bill 337

By: Senators Jackson of the 2nd, James of the 35th and Sims of the 12th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to  
2 driving under the influence of alcohol, drugs, or other intoxicating substances, penalties,  
3 publication of notice of conviction for persons convicted for the second time, and  
4 endangering a child, so as to provide that driving under the influence of alcohol or drugs with  
5 a child in the motor vehicle is a felony; to provide for related matters; to provide for an  
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under  
10 the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of  
11 notice of conviction for persons convicted for the second time, and endangering a child, is  
12 amended by revising subsection (l) 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~~ 16 years is guilty of the separate offense of endangering a child by  
15 driving under the influence of alcohol or drugs. The offense of endangering a child by  
16 driving under the influence of alcohol or drugs shall not be merged with the offense of  
17 driving under the influence of alcohol or drugs for the purposes of prosecution and  
18 sentencing. An offender who is convicted of a violation of this subsection shall be  
19 ~~punished in accordance with the provisions of subsection (d) of Code Section 16-12-1,~~  
20 ~~relating to the offense of contributing to the delinquency, unruliness, or deprivation of a~~  
21 ~~child guilty of a felony and shall be fined not less than \$1,000.00 nor more than \$5,000.00~~  
22 ~~or shall be imprisoned for not less than one year nor more than three years, or both fined~~  
23 and imprisoned."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2010, and shall apply to all crimes which occur  
26 on and after that date.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.