

Senate Bill 13

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

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for the second time, and endangering a child, is amended by revising subsection (l) as follows:

"(l) A person who violates this Code section while transporting in a motor vehicle a child under the age of ~~14~~ 16 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be ~~punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child~~ guilty of a felony and shall be fined not less than \$1,000.00 nor more than \$5,000.00 or shall be imprisoned for not less than one year nor more than three years, or both fined and imprisoned."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2011, 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28 All laws and parts of laws in conflict with this Act are repealed.