

Senate Bill 44

By: Senators James of the 35th, Jackson of the 2nd, Butler of the 55th, Henson of the 41st, Orrock of the 36th and others

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 a second time, and endangering
4 a child, so as to change the age of a child constituting child endangerment; to provide
5 penalties for certain violations; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under
9 the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of
10 notice of conviction for persons convicted for a second time, and endangering a child, is
11 amended by revising subsection (1) as follows:

12 "(1)(1) A person who violates this Code section while transporting in a motor vehicle a
13 child under the age of ~~14~~ 16 years is guilty of the separate offense of endangering a child
14 by driving under the influence of alcohol or drugs. The offense of endangering a child
15 by driving under the influence of alcohol or drugs shall not be merged with the offense
16 of driving under the influence of alcohol or drugs for the purposes of prosecution and
17 sentencing.

18 (2) An offender who is convicted of a violation of this subsection shall be punished in
19 accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the
20 offense of contributing to the delinquency, unruliness, or deprivation of a child.

21 (3) An offender who is convicted of a violation of this subsection which resulted in
22 serious injury to the child passenger shall be guilty of a felony and shall be punished by
23 incarceration for not more than 15 years. An offender who is convicted of a violation of
24 this subsection which resulted in death of the child passenger shall be guilty of a felony
25 and shall be punished by incarceration for not more than 25 years.

26 (4) If any offender who is convicted of a violation of this subsection is the parent or
27 guardian of the child passenger, the prosecuting attorney shall notify the department of
28 family and children services of the county of such person's residence."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.