

The Senate Special Judiciary Committee offered the following substitute to SB 13:

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 provide that driving under the influence of alcohol or drugs with a child in
5 a motor vehicle is a felony in certain cases; to change the age of a child constituting child
6 endangerment; to provide penalties for certain violations; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

20 (2) A person convicted of a first violation of this subsection shall be guilty of a
21 misdemeanor of a high and aggravated nature. A person convicted of a second and any
22 subsequent violation of this subsection shall be guilty of a felony and shall be fined not
23 less than \$1,000.00 nor more than \$5,000.00 or shall be imprisoned for not less than one
24 year nor more than three years, or both fined and imprisoned.

25 (3) A person convicted of a violation of this subsection which resulted in death of the
 26 child passenger shall be guilty of a felony and shall be punished by incarceration for not
 27 more than 10 years.

28 (4) A person ~~An offender who~~ is convicted of a violation of this subsection shall be
 29 guilty of the separate offense of contributing to the delinquency, unruliness, or
 30 deprivation of a minor and shall be punished in accordance with the provisions of
 31 subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the
 32 delinquency, unruliness, or deprivation of a child.

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

36 **SECTION 2.**

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