

Senate Bill 268

By: Senators James of the 35th, Rhett of the 33rd and Henson of the 41st

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 require that the county department of family and children services be notified  
5 when certain offenders are convicted for endangering a child by driving under the influence  
6 of alcohol or drugs; to provide for related matters; to repeal conflicting laws; and for other  
7 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 (l) as follows:

14 "(l)(1) A person who violates this Code section while transporting in a motor vehicle a  
15 child under the age of 14 years is guilty of the separate offense of endangering a child by  
16 driving under the influence of alcohol or drugs. The offense of endangering a child by  
17 driving under the influence of alcohol or drugs shall not be merged with the offense of  
18 driving under the influence of alcohol or drugs for the purposes of prosecution and  
19 sentencing. An offender who is convicted of a violation of this ~~subsection~~ paragraph  
20 shall be punished in accordance with the provisions of subsection (d) of Code Section  
21 16-12-1.

22 (2) If any offender who is convicted of a violation of this subsection is the parent or  
23 guardian of the child passenger, the prosecuting attorney shall provide a copy of the  
24 traffic citation and all pertinent documents to the county department of family and  
25 children services of such person's residence to aid in an investigation of possible child  
26 abuse."

27

**SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.