

Senate Bill 236

By: Senators James of the 35th, Rhett of the 33rd, Jones II of the 22nd, Davenport of the 44th and Orrock of the 36th

AS PASSED SENATE

**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, and
3 endangering a child, so as to allow the county or district department of family and children
4 services to be notified when certain offenders are convicted of endangering a child by driving
5 under the influence of alcohol or drugs; to provide for related matters; to repeal conflicting
6 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, and endangering
11 a child, is amended by revising subsection (l) as follows:

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

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

25 **SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.