

Senate Bill 577

By: Senator Strickland of the 17th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to serious traffic offenses, so as to add aggressive driving to the underlying offenses  
3 for the offense of homicide by vehicle; to add overtaking a school bus, fleeing or attempting  
4 to elude a police officer, and aggressive driving to the underlying offenses for the offense of  
5 serious injury by vehicle; to provide for the offense of serious injury by vehicle when a  
6 habitual violator causes an accident resulting in bodily harm; to provide for penalties; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
11 serious traffic offenses, is amended by revising Code Section 40-6-393, relating to homicide  
12 by vehicle, as follows:

13 "40-6-393.

14 (a) Any person who, without malice aforethought, causes the death of another person  
15 through the violation of subsection (a) of Code Section 40-6-163, Code Sections 40-6-390  
16 through 40-6-391, ~~or~~ subsection (a) of Code Section 40-6-395, or Code Section 40-6-397

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commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 15 years.

(b) Any driver of a motor vehicle who, without malice aforethought, causes an accident which causes the death of another person and leaves the scene of the accident in violation of subsection (b) of Code Section 40-6-270 commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 15 years.

(c) Any person who causes the death of another person, without an intention to do so, by violating any provision of this title other than subsection (a) of Code Section 40-6-163, subsection (b) of Code Section 40-6-270, Code Sections 40-6-390 through 40-6-391, ~~or~~ subsection (a) of Code Section 40-6-395, or Code Section 40-6-397 commits the offense of homicide by vehicle in the second degree when such violation is the cause of said death and, upon conviction thereof, shall be punished as provided in Code Section 17-10-3.

(d) Any person who, after being declared a habitual violator as determined under Code Section 40-5-58 and while such person's license is in revocation, causes the death of another person, without malice aforethought, by operation of a motor vehicle, commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years, and adjudication of guilt or imposition of such sentence for a person so convicted may be suspended, probated, deferred, or withheld but only after such person shall have served at least one year in the penitentiary."

## **SECTION 2.**

Said article is further amended by revising Code Section 40-6-394, relating to serious injury by vehicle, as follows:

"40-6-394.

(a) As used in this Code section, the term 'bodily harm' means an injury to another person which deprives him or her of a member of his or her body, renders a member of his or her body useless, seriously disfigures his or her body or a member thereof, or causes organic brain damage which renders his or her body or any member thereof useless.

(b) Any person who, without malice aforethought, causes an accident that results in bodily harm ~~while violating~~ through a violation of subsection (a) of Code Section 40-6-163, Code Sections 40-6-390 through 40-6-391, subsection (a) of Code Section 40-6-395, or Code Section 40-6-397 commits the ~~crime~~ offense of serious injury by vehicle. A person convicted of violating this subsection shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than 15 years.

(c) Any person who, without malice aforethought, proximately causes an accident that the person knew or should have known resulted in bodily harm and leaves the scene of the accident in violation of subsection (b) of Code Section 40-6-270 commits the ~~crime~~ offense of serious injury by vehicle; provided, however, that there shall be no violation of this subsection if the parties involved in the accident exchange motor vehicle insurance information prior to leaving the scene of the accident. A person convicted of violating this subsection shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years.

(d) Any person who, after being declared a habitual violator as determined under Code Section 40-5-58 and while such person's license is in revocation, causes an accident that results in bodily harm, without malice aforethought, by operation of a motor vehicle, commits the offense of serious injury by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 15 years, and the first year of any sentence for a person so convicted shall not be suspended, probated, deferred, or withheld."

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**SECTION 3.**

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