

The House Committee on Judiciary, Non-Civil offers the following substitute to HB 1303:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to
2 purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana
3 and penalties, so as to provide for the offense of endangering a child by possession of drugs;
4 to provide for penalties; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to purchase,
9 possession, manufacture, distribution, or sale of controlled substances or marijuana and
10 penalties, is amended by revising subsection (m) and by adding a new subsection to read as
11 follows:

12 “(m) Any person who violates subsection (a) of this Code section by knowingly and
13 unlawfully possessing or having under his or her control a controlled substance in Schedule
14 I, a narcotic drug in Schedule II, or marijuana while in the presence of a child under the age
15 of 14 years is guilty of the separate offense of endangering a child by possession of drugs.
16 A violation of this subsection shall not be merged with the offense of violating subsection

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17 (a) of this Code section for the purposes of prosecution and sentencing. A defendant who
18 is convicted of a violation of this subsection shall be punished in accordance with the
19 provisions of subsection (d) of Code Section 16-12-1.

20 (n) As used in this Code section, the term 'solid substance' means a substance that is not
21 in a liquid or gas form. Such term shall include tablets, pills, capsules, caplets, powder,
22 crystal, or any variant of such items."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.