

House Bill 1303 (COMMITTEE SUBSTITUTE)

By: Representatives Kelley of the 16<sup>th</sup>, Smith of the 18<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Fincher of the 23<sup>rd</sup>, and Panitch of the 51<sup>st</sup>

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

H. B. 1303 (SUB)

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24 All laws and parts of laws in conflict with this Act are repealed.