

Senate Bill 35

By: Senators James of the 35th, Rhett of the 33rd, Parent of the 42nd, Jones of the 10th, Jackson of the 24th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 16-5-70 of the Official Code of Georgia Annotated, relating to
2 cruelty to children, so as to provide that leaving certain children in vehicles under certain
3 circumstances constitutes cruelty to children in the third degree; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-5-70 of the Official Code of Georgia Annotated, relating to cruelty to
8 children, is amended by revising subsection (d) as follows:

9 "(d) Any person commits the offense of cruelty to children in the third degree when:

10 (1) Such person, who is the primary aggressor, intentionally allows a child under the age
11 of 18 to witness the commission of a forcible felony, battery, or family violence battery;

12 **or**

13 (2) Such person, who is the primary aggressor, having knowledge that a child under the
14 age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family
15 violence battery; or

16 (3) Such person leaves a child six years of age or younger unattended, or supervised by
17 someone who is younger than 13 years of age, in a motor vehicle under circumstances
18 that pose a substantial risk of harm to such child's health or safety."

19 **SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.