

House Bill 798

By: Representatives Tanner of the 9th, Hitchens of the 161st, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide a short title; to include the offense of aggressive driving as one of the
3 predicate offenses for the crime of serious injury by vehicle; to provide that persons
4 convicted of aggressive driving may be required to complete anger management classes; to
5 provide for suspension of driving privileges in certain circumstances; to provide for an
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "Chelsea's Law."

10 **SECTION 2.**

11 Title 40 of the Official Code of Georgia Annotated, relating to relating to motor vehicles and
12 traffic, is amended by revising Code Section 40-6-394, relating to serious injury by motor
13 vehicle, as follows:

14 "40-6-394.

15 Whoever, without malice, shall cause bodily harm to another by depriving him or her of
16 a member of his or her body, by rendering a member of his or her body useless, by
17 seriously disfiguring his or her body or a member thereof, or by causing organic brain
18 damage which renders the body or any member thereof useless through the violation of
19 Code Section 40-6-390, ~~or~~ 40-6-391, or 40-6-397 shall be guilty of the crime of serious
20 injury by vehicle. A person convicted under this Code section shall be guilty of a felony
21 and shall be punished by imprisonment for not less than one year nor more than 15 years."

22 **SECTION 3.**

23 Said title is further amended by revising Code Section 40-6-397, relating to aggressive
24 driving and penalty for violation, as follows:

25 "40-6-397.

26 (a) A person commits the offense of aggressive driving when he or she operates any motor
27 vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another
28 person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49,
29 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent.

30 (b) Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high
31 and aggravated nature.

32 (c) Any person convicted of or pleading guilty or nolo contendere to an offense under this
33 Code section may be required by the trial judge to complete successfully an anger
34 management program or counseling as such judge shall determine.

35 (d)(1) The driver's license of any person convicted for a second or subsequent offense
36 of violating this Code section shall be suspended as provided in this Code section. The
37 person shall submit such driver's license to the court upon conviction and the court shall
38 forward the driver's license to the Department of Driver Services.

39 (2) A first suspension of a driver's license under this Code section shall be for a period
40 of six months.

41 (3) A second or subsequent suspension of a driver's license under this Code section shall
42 be for a period of one year.

43 (4) After the suspension period and when the person pays a restoration fee of \$60.00 or,
44 when processed by mail, \$50.00, the suspension shall terminate and the Department of
45 Driver Services shall return the person's driver's license to such person."

46 **SECTION 4.**

47 This Act shall become effective on July 1, 2014, and shall apply to all offenses committed
48 on or after such date.

49 **SECTION 5.**

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