

The Senate Committee on Judiciary Non-Civil offers the following substitute to SB 35:

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:

**SECTION 1.**

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

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

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

11 or

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

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

**SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.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