

Senate Bill 110

By: Senators Anavitarte of the 31st, Robertson of the 29th, Esteves of the 35th and Kirkpatrick of the 32nd

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the juvenile code, so as to revise the definition of neglect and to
3 provide for new definitions; to amend Code Section 16-5-60 of the Official Code of Georgia
4 Annotated, relating to reckless conduct causing harm to or endangering the bodily safety of
5 another and conduct by HIV infected persons, so as to provide for an exception to certain
6 offenses of reckless conduct for legal custodians permitting children to participate in
7 independent activities under certain conditions; to provide for related matters; to provide for
8 an effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions
12 relative to the juvenile code, is amended by revising paragraph (48) and adding two new
13 paragraphs to read as follows:

14 "(6.1) 'Blatant disregard' means a real, significant, and imminent risk of harm that would
15 be so obvious to a legal custodian that a legal custodian acting reasonably would not have

16 exposed the child to the imminent risk of harm without exercising precautionary
17 measures to protect the child from such harm."

18 "(37.1) 'Independent activity' means the activity of a child who is not under the direct
19 supervision of a legal custodian or person acting in loco parentis and shall include, but
20 shall not be limited to, playing indoors or outdoors alone or with other children, walking
21 to or from school, running errands, or traveling to local commercial or recreational
22 facilities."

23 "(48) 'Neglect' means:

24 (A) The failure to provide ~~proper~~ necessary parental care or control, subsistence,
25 education as required by law, or other care or control necessary for a child's physical,
26 mental, or emotional health or ~~morals~~ safety;

27 (B) The failure to provide a child with ~~adequate~~ supervision necessary for such child's
28 ~~well-being~~ health or safety due to a legal custodian having placed the child in a
29 situation that requires judgment or actions beyond such child's level of maturity,
30 physical abilities, or mental abilities and thereby creating a real, significant, and
31 imminent risk of harm to the child as a result of a blatant disregard for such legal
32 custodian's responsibilities; or

33 (C) The abandonment of a child by his or her parent, guardian, or legal custodian;
34 provided, however, that such term shall not include a legal custodian permitting a child
35 to engage in one or more independent activities, only if the legal custodian reasonably
36 believes the child is of sufficient maturity, physical abilities, and mental abilities to avoid
37 substantial risk of harm."

38 **SECTION 2.**

39 Code Section 16-5-60 of the Official Code of Georgia Annotated, relating to reckless conduct
40 causing harm to or endangering the bodily safety of another and conduct by HIV infected
41 persons, is amended by revising subsection (b) as follows:

42 "(b)(1) As used in this subsection, the terms 'independent activity,' 'legal custodian,' and
43 'neglect' shall have the same meaning as provided in Code Section 15-11-2.

44 (2) A person who causes bodily harm to or endangers the bodily safety of another person
45 by consciously disregarding a substantial and unjustifiable risk that his or her act or
46 omission will cause harm or endanger the safety of the other person and the disregard
47 constitutes a gross deviation from the standard of care which a reasonable person would
48 exercise in the situation is guilty of a misdemeanor; provided, however, that it shall not
49 be a violation of this subsection for a legal custodian to permit a child to engage in one
50 or more independent activities unless doing so constitutes neglect."

51 **SECTION 3.**

52 This Act shall become effective on July 1, 2025; provided, however, that Section 2 of this
53 Act shall apply to offenses committed on or after such date.

54 **SECTION 4.**

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