

Senate Bill 162

By: Senators Ligon, Jr. of the 3rd, Loudermilk of the 52nd, McKoon of the 29th, Crosby of the 13th, Hamrick of the 30th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to
2 driving under the influence of alcohol, drugs, or other intoxicating substances, penalties,
3 publication of notice of conviction for persons convicted for the second time, and
4 endangering a child, so as to provide that driving under the influence of alcohol or drugs by
5 a person who is an illegal alien is a felony; to provide for related matters; 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 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under
10 the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of
11 notice of conviction for persons convicted for the second time, and endangering a child, is
12 amended by revising the introductory paragraph of subsection (c) and by adding a new
13 subsection to read as follows:

14 "(c) Except as otherwise provided in subsection (m) of this Code section, every Every
15 person convicted of violating this Code section shall, upon a first or second conviction
16 thereof, be guilty of a misdemeanor, upon a third conviction thereof, be guilty of a high and
17 aggravated misdemeanor, and upon a fourth or subsequent conviction thereof, be guilty of
18 a felony except as otherwise provided in paragraph (4) of this subsection and shall be
19 punished as follows:"

20 "(m) A person convicted of violating this Code section who is an illegal alien shall be
21 guilty of a felony and shall be punished in accordance with the provisions of paragraph (4)
22 of subsection (c) of this Code section. As used in this subsection, the term 'illegal alien'
23 means a person who is present in the United States in violation of federal immigration law."

24

SECTION 2.

25 This Act shall become effective on July 1, 2011, and shall apply to all crimes which occur
26 on and after that date.

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SECTION 3.

28 All laws and parts of laws in conflict with this Act are repealed.