

O.C.G.A. § 16-5-70

GEORGIA CODE
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*** Current Through the 2015 Regular Session ***

TITLE 16. CRIMES AND OFFENSES
CHAPTER 5. CRIMES AGAINST THE PERSON
ARTICLE 5. CRUELTY TO CHILDREN

O.C.G.A. § 16-5-70 (2015)

§ 16-5-70. Cruelty to children

(a) A parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under the age of 18 commits the offense of cruelty to children in the first degree when such person willfully deprives the child of necessary sustenance to the extent that the child's health or well-being is jeopardized.

(b) Any person commits the offense of cruelty to children in the first degree when such person maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.

(c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.

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

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

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

(e)(1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

(2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one nor more than ten years.

(3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.

HISTORY: Ga. L. 1878-79, p. 162, § 3; Code 1882, § 4612h; Penal Code 1895, § 708; Penal Code 1910, § 758; Code 1933, § 26-8001; Code 1933, § 26-2801, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1978, p. 228, § 1; Ga. L. 1981, p. 683, § 1; Ga. L. 1995, p. 957, § 2; Ga. L. 1996, p. 1071, § 1; Ga. L. 1999, p. 381, § 6; Ga. L. 2004, p. 57, § 3.