

**AN ORDINANCE
BY COUNCILMEMBER KWANZA HALL
AS SUBSTITUTED AND AMENDED BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 106, (OFFENSES AND MISCELLANEOUS PROVISIONS), SECTION 182, (MARIJUANA) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO SO AS TO PRESCRIBE THE MAXIMUM PENALTY TO BE IMPOSED BY THE MUNICIPAL COURT OF ATLANTA FOR A VIOLATION THEREOF; TO DECLARE THAT A VIOLATION THEREOF SHALL NOT BE PUNISHABLE BY ANY TERM OF IMPRISONMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and general welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, Chapter 106 (Offenses and Miscellaneous Provisions) of the City of Atlanta Code of Ordinances contains quasi-criminal offenses adopted in accordance with the City’s police powers;

WHEREAS, the Municipal Court of the City of Atlanta is granted jurisdiction to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana if the offense occurred within the corporate limits of such municipality. The jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases (OCGA § 36-32-6(a)); and

WHEREAS, any fines and bond forfeitures arising from the prosecution of such cases shall be retained by the City (OCGA § 36-32-6(b)); and

WHEREAS, currently there is no specific punishment prescribed for violation of City of Atlanta Code 106-182 which prohibits the possession of one ounce or less of marijuana; and

WHEREAS, instead a violation of this section is punishable in accordance with Section 1-8 of the City of Atlanta Code of Ordinances which provides that a person convicted of a violation thereof shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months; and

WHEREAS, it is the desire of the Atlanta City Council to specifically provide that a person convicted of a violation of Section 106-182 shall be punished by a fine not exceeding \$75.00, and shall not be punishable by a term of any imprisonment.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
AS FOLLOWS:**

SECTION 1: That Chapter 106, Article IV, Division 3, Section 182 of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent additions

underlined in bold font and permanent deletions in strikeout font):

Sec. 106-182. - Marijuana.

It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city. Any person found guilty of violating this section shall be **punished by a fine not exceeding \$75.00, and shall not be punished by imprisonment for any term**; ~~subject to the penalty provided in section 1-8;~~ provided that any defendant charged with possession of one ounce or less of marijuana shall be entitled on request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 3: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 106, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.