

**A RESOLUTION**

**BY COUNCILMEMBERS MARY NORWOOD, CEASAR C. MITCHELL, H. LAMAR WILLIS, JOYCE SHEPERD, C. T. MARTIN, ANNE FAUVER AND CARLA SMITH**

**AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION ENCOURAGING THE JUDGES OF THE STATE AND SUPERIOR COURTS OF FULTON AND DEKALB COUNTIES TO IMPOSE BANISHMENT FROM THE CITY OF ATLANTA OR ANY PART THEREOF AS A CONDITION OF PROBATION FOR THE SECOND CONVICTION OF THE SAME OFFENSE COMMITTED WITHIN THE CITY OF ATLANTA; TO REQUEST THAT SAID JUDGES PROVIDE A COPY OF ANY SUCH ORDER IMPOSING BANISHMENT TO THE ATLANTA POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

Whereas, banishing individuals from a community has long been a tool the courts could use during sentencing; and

Whereas, the Georgia appellate courts have held that banishment can be an appropriate measure; and

Whereas, making banishment a condition of probation, means that a person found in the forbidden area during his or her probation can be incarcerated based on a violation of probation; and

Whereas, banishment can provide a foundation for rehabilitation in that it provides an opportunity for a defendant to get a fresh start in a new environment; and

Whereas, banishment is a way to get repeat offenders out of a community, thereby relieving the community of a chronic problem.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** The Judges of the State and Superior Courts of Fulton and Dekalb Counties are hereby encouraged to impose banishment from the **City of Atlanta or any part thereof**, as a condition of probation for the second conviction of the same offense committed **within the City of Atlanta.**



**Section 2:** The Judges of said courts are requested to provide a copy of any such order imposing banishment, to the Atlanta Police Department.

**Section 3:** Upon adoption and approval of this resolution, the Municipal Clerk is hereby requested to forward a copy of same to each of the Judges of the State and Superior Courts of Fulton and Dekalb Counties.

**Section 4:** All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

A true copy,

A handwritten signature in cursive script, appearing to read "K. L. ...", written over a horizontal line.

Deputy Clerk

**ADOPTED** by the Council  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED** as per City Charter Section 2-403

February 7, 2005

February 16, 2005



#34

**05-R-0122**  
(Do Not Write Above This Line)

A RESOLUTION BY  
COUNCILMEMBER MARY NORWOOD

A RESOLUTION ENCOURAGING JUDGES TO IMPOSE BANISHMENT FROM THE COUNTY OR THE JUDICIAL CIRCUIT AS A CONDITION OF PROBATION FOR THE SECOND CONVICTION OF THE SAME OFFENSE COMMITTED IN SAID COUNTY OR JUDICIAL CIRCUIT AND FOR OTHER PURPOSES.

ADOPTED BY  
FEB 07 2005  
COUNCIL

SUBSTITUTE

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 1/18/05  
Referred To: PS/LA  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Date Referred \_\_\_\_\_  
Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

PS/A Committee

2/1/05 Date

*[Signature]*

Action

Fav, Adv, Hold (see rev. side)

*[Signature]*

Members

*[Signature]*

*[Signature]*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

FINAL COUNCIL ACTION  
 2nd  
 1st & 2nd  
 3rd  
 Consent  
 V Vote  
 RC Vote

CERTIFIED

FEB 07 2005

**CERTIFIED**  
FEB 07 2005  
*[Signature]*  
MAYOR'S CLERK

MAYOR'S ACTION

**APPROVED**

FEB 16 2005

WITHOUT SIGNATURE  
BY OPERATION OF LAW