

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1-8(C)(1), OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED "GENERAL PENALTY; CONTINUING VIOLATIONS", TO ALLOW A PERSON CONVICTED OF A VIOLATION OF THE CITY OF ATLANTA CODE OF ORDINANCES TO BE SENTENCED TO HOME CONFINEMENT; TO AMEND CHAPTER 62, ARTICLE II, DIVISION 1, TO ADD A NEW SECTION 62-47 TO BE ENTITLED "AUTHORITY TO SENTENCE TO HOME CONFINEMENT", TO PROVIDE MUNICIPAL COURT JUDGES WITH THE DISCRETIONARY AUTHORITY TO SENTENCE PERSONS CONVICTED OF VIOLATIONS OF THE CITY OF ATLANTA CODE OF ORDINANCES TO HOME CONFINEMENT; AND FOR OTHER PURPOSES.

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

WHEREAS, in furtherance of this interest the Municipal Court of the City of Atlanta and each judge thereof is authorized by its Charter to punish violations of its Charter, all city ordinances, and such other violations as provided by law occurring within the City's jurisdiction by fixing punishment by fine, imprisonment, or alternative sentencing as provided by law; (Atlanta City Code § 4-102); and

WHEREAS, in accordance with the authority given to the Municipal Court and its judges to fix punishment by alternative sentencing in its Charter; it is the desire of the City of Atlanta to provide judges of the Municipal Court with the discretionary authority to impose the alternate sentence of home confinement as punishment for violations of the City of Atlanta Code of Ordinances; and

WHEREAS, the general penalties for violating the City of Atlanta Code of Ordinances are set forth in Chapter 1, Section 1-8 of the City of Atlanta Code of Ordinances; and

WHEREAS, there is no specific provision contained in Section 1-8 of the City of Atlanta Code of Ordinances which allows for punishment by home confinement; and

WHEREAS, the provisions of the City of Atlanta Code of Ordinances which generally concern the Municipal Court, including sections related to sentencing, are contained in Chapter 62, Article II, Division 1 of the City of Atlanta Code of Ordinances; and

WHEREAS, no section contained in Chapter 62, Article II, Division 1 of the City of Atlanta Code of Ordinances provides for sentencing of persons convicted of violating the City of Atlanta Code of Ordinances to home confinement.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS,
as follows:**

Section 1: That Chapter 1, Section 1-8(c)(1), of the City of Atlanta Code of Ordinances which currently reads:

(1) A person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months or work on the public streets or on public works of the city for not more than six months, or any combination thereof. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

be amended to read as follows:

(1) A person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months, work on the public streets or on public works of the city for not more than six months, **supervised home confinement for a term not to exceed six months**, or any combination thereof. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

Section 2: That Chapter 62, Article II, Division 1, of the City of Atlanta Code of Ordinances be amended to add a new Section 62-47 which shall read as follows:

Sec. 62-47. Authority to sentence to home confinement.

(a) **When any person is convicted of any offense against this Code or other laws and ordinances of the city, it shall be discretionary with the municipal judge to punish this offender by ordering the offender to home confinement, under the supervision of the proper officers.**

(b) **The judge passing sentence or any of the judge's agents shall furnish to the Commissioner of the Department of Corrections or any duly authorized agents a listing of all offenders who have been sentenced in accordance with this section by delivering said list to the Municipal Jail and shall furnish the Commissioner of Corrections or authorized agent the full details of the sentence imposed on this offender.**

Section 3: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

Section 4: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison:

GREG PRIDGEON
6115

Contact Number:

Originating Department: Office of the Mayor

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): April 28, 2009; May 12, 2009

Anticipated Full Council Date: May 18, 2009

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Commissioner Signature:

Jerry L. De Loach, Deputy City Attorney

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1-8(C)(1), OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED "GENERAL PENALTY; CONTINUING VIOLATIONS", TO ALLOW A PERSON CONVICTED OF A VIOLATION OF THE CITY OF ATLANTA CODE OF ORDINANCES TO BE SENTENCED TO HOME CONFINEMENT; TO AMEND CHAPTER 62, ARTICLE II, DIVISION 1, TO ADD A NEW SECTION 62-47 TO BE ENTITLED "AUTHORITY TO SENTENCE TO HOME CONFINEMENT", TO PROVIDE MUNICIPAL COURT JUDGES WITH THE DISCRETIONARY AUTHORITY TO SENTENCE PERSONS CONVICTED OF VIOLATIONS OF THE CITY OF ATLANTA CODE OF ORDINANCES TO HOME CONFINEMENT; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:

4.14.09
(date)

Reviewed by:

(date)

Submitted to Council:

(date)